

## APPLYING to the RTT

### WHAT IS THE RTT?

'RTT' stands for 'Residential Tenancies Tribunal'. This is the body that has exclusive jurisdiction to hear and determine all disputes arising from tenancy agreements in the ACT. It is established and given its power by the Residential Tenancies Act 1997 ('the Act').

Tenants are able to take their lessors to the RTT to resolve disputes. If you are a public housing tenant, your lessor is Housing ACT.

The RTT...

- ... Has multiple Members
- ... Allows the public to sit in on proceedings
- ... Is a Tribunal, not a Court (so it's relatively informal)
- ... Can make orders for the payment of amounts of up to \$10,000
- ... Sits in the ACT Magistrates Court building in Hearing Room 4

### WHY APPLY?

There are really only two steps involved in any tenancy dispute. The first step is to negotiate with the other party and try to convince them that you are right, and that they should comply with what you see as their obligations. The second and final step is litigation (taking legal action), and in the case of tenancy law, that means applying to the RTT.

What you are doing when you apply is asking that the RTT make 'orders'. You might seek, for example, an order that your lessor arrange to have your heater repaired, or replace a rotten fence, or pay you compensation. Of course,

before you apply, you need to be sure that there is a good legal basis for what you asking the RTT to order. You need to refer either to a clause in your tenancy agreement that says the lessor 'shall do' something, or to a section of the Act that says 'the Tribunal shall order that...'or 'the Tribunal may order that...'

Everyone would of course prefer not to have to litigate, but sometimes the other party leaves you with no choice. Fortunately, if you do decide to go to the RTT, the process is not time consuming, costly, or difficult.

### WHAT STEPS ARE INVOLVED IN APPLYING?

#### 1. Get an RTT Application Form

- To get an Application Form, you can:
  - (a) Call the RTT registry (ph 02 6217 4260) and ask the registry staff to mail or fax you one;
  - (b) Drop by the Magistrates Court building (located at 4 Knowles Place, Civic) and pick one up; or
  - (c) Go to [www.courts.act.gov.au/magistrates/index.html](http://www.courts.act.gov.au/magistrates/index.html), click on 'Residential Tenancies

Tribunal' on the right hand side of the screen, then download and print what you need.

#### 2. Complete the Application Form

#### 3. Attach a 'Statement of Particulars'

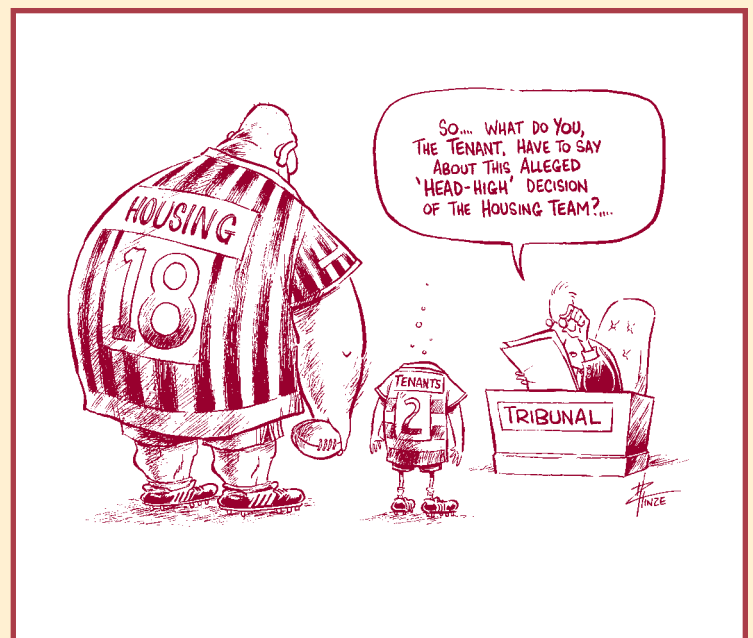
- Your Statement of Particulars should set out:
  - (a) The facts that you allege to have occurred;
  - (b) The legal consequences (as you see them) that flow from those facts; and
  - (c) A request for the RTT to make orders to remedy the situation.
- It is very important that your Statement of Particulars be comprehensive. Include letters that you have written to the other party, receipts, notes about phone conversations, a timeline of events, and anything else you think might be relevant.

#### 4. Lodge the Application Form, Statement of Particulars, and supporting documents

- Your complete application needs to be lodged with the RTT registry along with the appropriate application fee. At the time of writing,

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the fee was \$48 for most applications.

- If you are on a low income, you can get a 'waiver of fee' form from the RTT registry, complete it, and lodge it along with the other documents. It is possible that the registrar will allow you not to pay the application fee.

#### 5. Wait for the RTT to set a date for the hearing

- You will be informed by mail of the hearing date.
- The hearing date is likely to be around 2-3 weeks after lodgement of the application.
- The RTT sits most weekday mornings, starting at 10am.

#### 6. Attend the hearing

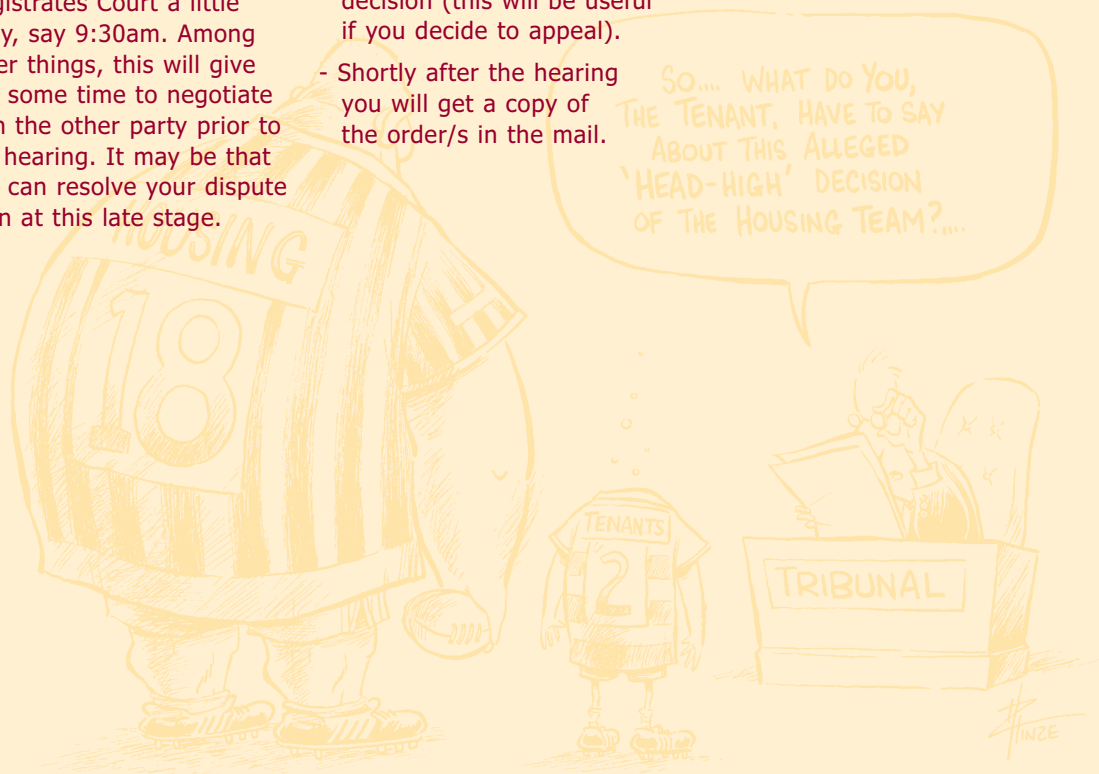
- It's a good idea to be at the Magistrates Court a little early, say 9:30am. Among other things, this will give you some time to negotiate with the other party prior to the hearing. It may be that you can resolve your dispute even at this late stage.

- It might be helpful to write down the points that you want to make before you go in to the hearing. That will mean that you have something to refer to if you forget to say what you wanted to say in the heat of the moment.
- In the hearing itself it's important that you be well presented (unfortunately, this does make a difference), and polite but firm. Don't speak out of turn, and don't lose your cool, but make sure that you get your chance to speak.
- At the end of the hearing the Member may make an order (or orders). If the order isn't in your favour, ask the Member to provide written reasons for the decision (this will be useful if you decide to appeal).
- Shortly after the hearing you will get a copy of the order/s in the mail.

#### WHAT NEXT?

Hopefully, the RTT will have made the order/s that you want. If so, that is likely to be the end of the matter — breaching an RTT order can lead to substantial penalties, so parties are well advised to comply.

If not, you can appeal the decision to the ACT Supreme Court, but only on an error of law (you may need legal advice to help you work out whether or not the Member made this kind of error). The Supreme Court has the power to overrule a decision of the RTT.



#### Disclaimer

This fact sheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact the Welfare Rights and Legal Centre's advice line on 6247 2177. The Welfare Rights and Legal Centre is entirely independent of Housing ACT. All assistance is free.