

RESIDENTIAL TENANCIES DISPUTE RESOLUTION

Process Overview

ELIGIBLE DISPUTES

A defined term under s.597 of the Act and means a dispute about:



PROCESS OVERVIEW

STEP 1 – [Reg 6] Mandatory assessment by CAV Director

[Reg 9] The Director may do or consider the following before deciding to refer the dispute to VCAT or to the Chief Dispute Resolution Officer (CDRO):

- Whether the **Eligible Dispute** is likely to be found unsuitable for dispute resolution; and
- Any advice from the CDRO; and
- Make any inquiries or obtain any information considered necessary; and
- Ask the person seeking to have the **Eligible Dispute** dealt with for more information or documents; and
- Require the person seeking to have the **Eligible Dispute** dealt with to provide evidence that they have taken reasonable steps and acted in good faith in trying to resolve the dispute.

STEP 2 – Referral to CDRO or VCAT

CDRO (Chief Dispute Resolution Officer)

- The eligible dispute is about payment related matters;
OR
- about payment and other matters

VCAT

[Reg 8] Dispute is not payment related
The Director must also refer the **Eligible Dispute** to VCAT if the CDRO has notified the parties of a decision:

- not to accept the dispute; or
- that the dispute is no longer suitable for dispute resolution; or
- that the dispute was not able to be resolved.

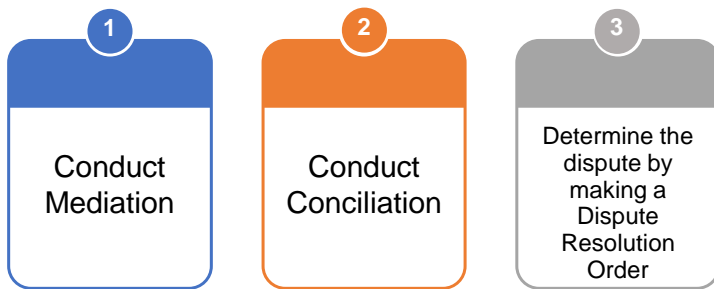
STEP 3 – Unsuitable for Dispute Resolution By CDRO

[Reg 14(2)(a)] An Eligible Dispute is may be considered unsuitable for dispute resolution because:

- The dispute is not about a payment related matter; or
- There is no jurisdiction to hear and determine the dispute; or
- The person seeking to have the dispute resolved has not provided further information, documents or evidence within a specified period; or
- Proceedings had already commenced at VCAT or a court at 12 May 2020; or
- All issues in the dispute are currently or have previously been dealt with by VCAT or a court; or
- The CDRO has deemed the dispute to be frivolous, lacking in substance, vexatious or not made in good faith; or
- The CDRO is satisfied the dispute has otherwise been resolved; or
- The CDRO is satisfied that the dispute is otherwise not suitable for dispute resolution

STEP 4 – Dispute Resolution Powers

[Reg 16] POWERS OF THE CDRO



STEP 5 – Dispute Resolution Orders

[Reg 17]: A Dispute Resolution Order may require one or more of the following:

- Restrain any action in breach of a tenancy agreement or provisions of the Act;
- Require any action in relation to the performance of a tenancy agreement;
- Require the return of goods unlawfully taken or removed from rented premises;
- Require the payment of compensation to any person;
- Reduce the rent payable under a tenancy agreement;
- Require a tenant to enter into and abide by a payment plan to pay rent, or reduced rent, or any arrears in rent for specified period;
- Vary the terms of a tenancy agreement to the extent necessary because of a reduction of rent or a payment plan;

VCAT

[Reg 12] VCAT can only consider an application in relation to an **Eligible Dispute** made after the 12th of May 2020 if:

- The Director CAV has referred the dispute to VCAT; OR
- The CDRO has decided not to accept the dispute or has decided the dispute is no longer suitable for dispute resolution; OR
- The CDRO has given the parties a notice that the dispute could not be resolved by dispute resolution; OR
- The CDRO has given notice of an alleged breach of dispute resolution order and allows an application to VCAT

A Dispute Resolution Order may not include:

- An order for payment of a bond
- An order reducing a fixed tenancy agreement
- An order in respect of the termination of a tenancy agreement
- A possession order in respect of a rented premises.