

Amendments to the CTTT Act

from 1 October 2008

In June 2008 the NSW Parliament passed amendments to the *Consumer, Trader and Tenancy Tribunal Act* (the CTTT Act) to enhance the efficiency and effectiveness of the Consumer, Trader and Tenancy Tribunal (CTTT). The changes followed a 2006 review of the CTTT Act, and an operational review to improve the CTTT's capacity to effectively resolve matters.

This InfoSheet outlines the key changes to the CTTT Act, and the associated regulations that commence on 1 October 2008.

Social Housing Division

The CTTT's Tenancy Division currently deals with matters between landlords and tenants who have entered into a residential tenancy agreement. Agreements can be between private landlords and private tenants, or social housing tenants and social housing providers/landlords.

From 1 October a new Social Housing Division was established to better meet the needs of social housing tenants and providers/landlords.

Social Housing providers/landlords are defined in the CTTT Act as:

- Housing NSW (NSW Department of Housing)
- the NSW Land and Housing Corporation
- the Office of Community Housing
- the Aboriginal Housing Office
- an organisation registered with the Office of Community Housing or under Part 5 of the *Aboriginal Housing Act 1998*.

New application forms and a fact sheet have been developed.

The CTTT's existing Tenancy Division will continue to deal with matters between private landlords and tenants.

The Division will be supported by Tribunal Members with specialist knowledge and experience in hearing social housing matters. It will also allow the CTTT to develop strategies and tailor information to help guide social housing tenants and providers/landlords through the CTTT practice and procedure.

Rehearings

Prior to 1 October 2008, an application for a rehearing could be made where a person believed they had suffered a **substantial injustice** in respect of a CTTT decision. However, only one rehearing application could be made and the monetary limit for a rehearing was \$25,000.

From 1 October 2008 the CTTT Act makes provision for a second rehearing application to be made in the same limited circumstances. The CTTT Regulation is amended to increase the monetary limit for rehearing applications to \$30,000 and to remove the \$500 lower limit.

These changes provide benefits for people who request a rehearing as the Chairperson is able to review a matter where an initial rehearing application had been refused, and

where substantial new evidence has arisen which suggests substantial injustice to one or more of the parties has occurred.

The increase in the upper limit to \$30,000 is consistent with the change in jurisdictional limits in most of the CTTT's divisions and provides a consistent approach to the management of application.

Renewals

When a matter is heard in the CTTT, the Tribunal Member's decision is recorded in a legally enforceable order which identifies the type of action that must be taken by the party or parties.

Prior to 1 October 2008 there was no time limit for the lodgement of renewal applications. This resulted in uncertainty for parties who were adversely impacted upon where an order was not complied with.

From 1 October 2008 renewal applications must be lodged either:

- Within the time specified in the original CTTT order, or
- Within 12 months of the date for compliance set out in the original CTTT order.

Prescribing this time limit provides greater certainty and encourages compliance with CTTT orders as there is an immediacy of action for non-compliance.

Application forms and further information

You can obtain further information and application forms (including the Social Housing application forms, the Notice to Renew Proceedings form, and the Application for a Rehearing) from the CTTT's eight registry offices in metropolitan and regional NSW, Fair Trading Centres or by calling the CTTT on 1300 135 399.

Forms and information can also be downloaded from the CTTT website www.cttt.nsw.gov.au

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