



**Important information about rehearing applications:**

- This application must be lodged within 14 days after the date of notification of the Tribunal's order or within 14 days after you receive the written statement of reasons.
- This application will be determined on the papers. Provide as much information and documentation supporting your application as possible. Carefully read the *General Information about Rehearings* section on page 5 before completing this application.
- A copy of this application and any attached information may be provided to the respondent/s. Attach additional pages to this application if needed.

**ORDER DETAILS**

1. CTTT file number of completed proceedings you want reheard?

2. What order/s were made?

  
  

3. Date order/s were made:

  

**APPLICANT DETAILS**

4. Your full name:

If lodging on behalf of another (eg. a landlord) please provide name of person/s in original proceedings

5. Your details:

Include company name if applicable

For multiple applicants attach details on separate sheet

Postal address:

  

Postcode:

Contact details:

Daytime telephone:

Email address:

Provide email address of applicant or applicant's representative and tick the box to receive CTTT correspondence by email.

**Do you want CTTT correspondence emailed to you?**

By ticking this box you agree to receive future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

**RESPONDENT DETAILS**

6. Respondent's full name:

Insert name of other party to the original proceedings

7. Respondent's details:

Include company name if applicable

For multiple respondents attach details on separate sheet

Postal address:

  

Postcode:

Contact details:

Daytime telephone:

8. Extension of time

This application must be lodged within 14 days after the date of notification of the Tribunal's order or within 14 days after you receive the written statement of reasons. An extension of time to lodge the application may be granted in special circumstances. If it is not granted the application may be dismissed because it is out of time.

Do you require an extension of time?  Yes  No

If yes, please explain why the application was not lodged within the time limit.

  
  

**OFFICE USE ONLY:**

File No: \_\_\_\_\_

## 9. Stay of proceedings

Any orders made by the Tribunal remain in force until this rehearing application is determined. You may request a stay of orders until this application is finalised. A stay stops any enforcement action, such as eviction, from occurring and the original orders cease to have effect until the stay is lifted by the Tribunal.

Do you require a stay of proceedings?  Yes  No

## REHEARING DETAILS

### 10. Grounds for rehearing

The Chairperson may direct that your matter be reheard if you can establish that you may have suffered a substantial injustice in specific circumstances. You must address these issues and provide details to support your application under one or more of the following grounds:

- i. Decision not fair and equitable (s.68(2)(a))
- ii. Decision of the Tribunal against the weight of evidence (s.68(2)(b))
- iii. Evidence now available that was not reasonably available at the time of the hearing (s.68(2)(c))

**Describe how you think a rehearing would achieve a different decision. You may address more than one of the grounds listed above. Attach all information that you want to be considered as part of your application.**

#### i. Decision not fair and equitable

It is not enough to simply say the decision was not fair and equitable. You must describe in detail how the decision is not fair and equitable.

- If you were unable to present your case, explain why (for example attach a medical certificate if you were sick).
- If you say you did not receive a notice of hearing or notice of termination you will need to complete the affidavit on page 4 of this form and sign before a Solicitor, Justice of the Peace or other person authorised to take affidavits under the Oaths Act.


#### ii. Decision of the Tribunal against the weight of evidence

Dissatisfaction with the Tribunal Member's findings does not amount to a substantial injustice. You must provide details about how you think the Tribunal Member should have made their decision, based on the evidence and documents presented at the original hearing.

**What evidence did you give at the hearing? What documents did you show the Tribunal?**


**REHEARING DETAILS (continued)**

**What evidence did the other party give? What documents did the other party show the Tribunal?**


**What decision do you think the Tribunal should have made, given the evidence / documents presented at the original hearing?**


**iii. Evidence is now available that was not reasonably available at the time of hearing**

It is not sufficient to state that you did not have the evidence, or you were unaware of the evidence at the time of the hearing. It must be shown that the new evidence could not have been obtained with reasonable diligence for use at the hearing and that the new evidence is significant.

**What evidence / documents do you now seek to produce to the Tribunal?**

If you are relying on these documents you must attach copies to this application form.


**When did you first become aware of this evidence?**

State why the new evidence / documents were not available at the time of the hearing.


# AFFIDAVIT

I .....  
of .....  
in the state of .....

- make oath and say as follows:
- do solemnly sincerely and truly affirm and declare that:

Sworn/affirmed at .....  
[Signature of rehearing applicant]

This ..... day of ..... 20 .....  
in the presence of an authorised witness, who states: \* Please cross out any text that does not apply

I ..... \ 05 ..... [insert name of authorised witness]  
a ..... [insert qualification to be authorised witness]

certify the following matters concerning the making of this affidavit by the person who made it:

1. \*I saw the face of the person or \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering.
2. \*I have known the person for at least 12 months or \*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was  
..... [describe identification document relied on]

..... Date: .....  
[insert signature of authorised witness]

**Any person wilfully swearing a false affidavit may be prosecuted**

## 11. Important information: Application fee and attachments

If you do not read the information and check the tick boxes, your application may be delayed or dismissed.

**Has the application fee been paid?**

You must pay the application fee when lodging your application. Refer to the fee schedule available on [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au). Payment can be made by cheque or money order to 'Consumer, Trader and Tenancy Tribunal'. Cash, credit card and eftpos payments can be made at any CTTT Registry or Fair Trading Centre. If you are paying the concession fee, provide a photocopy of your pensioner or student concession card.  
**Note: If a fee is not paid, the listing of your application may be delayed or dismissed.**

**Have you included all your attachments?**

Attach all documents you are relying upon in support of your application for rehearing. Keep a copy of your application and any attached information for your own records. **Note: A copy of this application and all material attached may be viewed by the respondent/s. The person completing the documents and forwarding them is responsible for their content.**

## 12. Your Name/s (Please print)

## Your Signature/s

## Date

Return application with fee to: **Registrar, Consumer, Trader and Tenancy Tribunal**

For all CTTT Registry Offices ☎ T: 1300 135 399 📠 F: 1300 135 247 🌐 [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

**Sydney Registry**  
Level 12, 175 Castlereagh Street  
Sydney NSW 2000  
GPO Box 4005, Sydney NSW 2001

**Hurstville Registry**  
Level 3, 4-8 Woodville Street  
Hurstville NSW 2220  
PO Box 148, Hurstville BC NSW 1481

**Liverpool Registry**  
Level 3, 33 Moore Street  
Liverpool NSW 2170  
PO Box 723, Liverpool BC NSW 1871

**Penrith Registry**  
Ground Floor, 2-6 Station Street  
Penrith NSW 2750  
PO Box 988, Penrith NSW 2751

**Newcastle Registry**  
Level 1, 175 Scott Street  
Newcastle NSW 2300  
PO Box 792, Newcastle NSW 2300

**Tamworth Registry**  
Suite 3- 5, Kable Korner Complex  
Cnr Kable Ave & Darling St  
PO Box 1033, Tamworth NSW 2340

**Wollongong Registry**  
Level 3, 43 Burelli Street  
Wollongong NSW 2500  
PO Box 319, Wollongong NSW 2520

 **CTTT**  
Consumer, Trader &  
Tenancy Tribunal

## GENERAL INFORMATION ABOUT REHEARINGS

Please carefully read this information before completing your application for rehearing. You may wish to seek independent legal advice before proceeding with a rehearing application. The CTTT's *Getting help* fact sheet lists a number of organisations that can provide you with advice and assistance.

### What is a rehearing?

A rehearing is a provision under section 68 of the *Consumer, Trader and Tenancy Tribunal Act 2001* that allows a decision, or parts of a decision to be reheard by the Tribunal as if it were a new application. **A rehearing is not an appeal.**

Parties to proceedings may only apply for a rehearing after the matter is finalised. The grounds for a rehearing application are very limited. A rehearing will only be granted if the Chairperson decides that you may have suffered a substantial injustice in specific circumstances. Dissatisfaction with the decision is not a sufficient reason for a rehearing.

The Chairperson's decision to grant or refuse a rehearing is final and not subject to review of any kind.

### What matters can be reheard?

Parties to certain proceedings that have been heard and determined by the Tribunal may apply to the Chairperson to have the **completed** proceedings reheard. (Section 68 of the *Consumer, Trader and Tenancy Tribunal Act 2001*).

You can apply for a rehearing if **no** amount of money is claimed or in dispute. You may request, in the application, that the rehearing be limited to specific matters.

### What matters cannot be reheard?

Not all matters can be reheard. There are specific provisions about the types of matters that cannot be reheard. These include matters where:

- The amount claimed or disputed is more than \$30,000.
- A warrant for possession has already been executed regarding an order for termination of a tenancy or residency in relation to proceedings in the Residential Parks, Retirement Villages, Tenancy or Social Housing Divisions.
- Strata and community schemes matters (these matters have separate appeal processes and forms).
- A matter has previously been reheard—only one rehearing is allowed after any completed proceedings.

If the issue is a failure of a party to comply with Tribunal orders the appropriate form may be an application for renewal of proceedings.

### What information should be provided with the rehearing application?

Your rehearing application will be decided on the information you provide in your application and any submissions provided by the other party. There are specific requirements which must be met for a rehearing to be granted:

- You must state how you may have suffered a substantial injustice
- Attach copies all the documents and materials you have in support of your rehearing application
- If you were absent from the original hearing due to illness you should provide a medical certificate
- In other circumstances you may be required to complete the affidavit.

Read the form carefully and provide as much information and documentation as possible in support of your application.

### How is a rehearing application decided?

Rehearing applications are generally decided 'on the papers' by the Chairperson (or delegate) and will only be granted where the Chairperson decides that the applicant may have suffered a substantial injustice.

**There is generally no face-to-face hearing.** A rehearing application is generally decided on the information provided on the application form and any written submissions provided by the other party.

The Chairperson may refuse the application in the first instance or call for submissions from the other party/s before deciding.

The Chairperson will not grant a rehearing unless each other party has been notified and given a copy of the application. Each other party will be given an opportunity to respond in writing to the application within 7 days of receiving the copy of the application. The Chairperson will consider any response before making a decision.

### Important information about rehearing decisions:

The Chairperson's decision whether or not to grant or refuse the application may be made without the need for any hearing or meeting. It is not considered to be part of the Tribunal's proceedings. It is final and not subject to review of any kind.

### What happens if the rehearing is granted?

The Chairperson will decide what matters will be reheard and how the rehearing will be conducted. If there is more than one application for a rehearing in completed proceedings all of the matters approved for rehearing will be reheard together.

The original application will be dealt with by the Tribunal as a fresh hearing. You should bring all the evidence necessary to prove your case to the hearing.

### What happens if the rehearing is refused?

If your rehearing application is refused, the original orders will remain in full force and effect.

In limited circumstances a second application may be possible. However, generally the Chairperson's decision is final and not subject to review.

You may make a further rehearing application only if the application is made within 28 days of being notified of the refusal of the first rehearing application and the Chairperson is satisfied that:

- a) significant new evidence has arisen since the application was refused, and
- b) the evidence suggests a substantial injustice to one or more parties to the proceedings has occurred.

### Can a rehearing application be withdrawn?

You may withdraw your rehearing application at any time. If you decide to withdraw your application you must notify the Tribunal in writing.

## INFORMATION FOR NON-ENGLISH SPEAKING PEOPLE

If you need interpreting or translating help, telephone the Translating and Interpreting Service (TIS) office in your State. Telephone interpreting is available 24 hours a day, 7 days a week on 13 14 50. The translation service operates during business hours.

### ARABIC

إذا كنت بحاجة للمساعدة في الترجمة الشفهية أو الكتابية. اتصل بمكتب خدمة الترجمة الكتابية و الشفهية (TIS) في الولاية حيث تقم بتوافر الترجمة الشفهية على الهاتف 131450. 24 ساعة في اليوم 7 أيام في الأسبوع ساعات العمل للخدمات في الترجمة الكتابية خلال ساعات الدوام.

### CHINESE

如果您需要口譯或筆譯服務，請打電話給您所在州的翻譯服務處（TIS）。電話口譯每週 7 天，每天 24 小時提供服務，電話號碼 13 1450。筆譯服務僅在辦公時間內提供。

### CROATIAN

Ako su Vam potrebne usluge tumača ili prevoditelja, nazovite Službu za prevodjenje i tumačenje (TIS) u Vašoj državi. Telefonska prevodilačka služba stoji Vam na usluzi 24 četiri sata dnevno, 7 dana u tjednu ako nazovete 13 1450. Služba pismenog prevodenja na usluzi Vam je za vrijeme redovnog radnog vremena.

### GREEK

Εάν χρειάζεστε εξυπηρέτηση από διερμηνέα ή μεταφραστή, τηλεφωνήσατε στο γραφείο Μεταφραστών και Διερμηνέων (TIS) στην Πολιτεία σας. Η υπηρεσία διερμηνείας μέσω τηλεφώνου διατίθεται 24 ώρες την ημέρα, 7 μέρες την εβδομάδα στον αριθμό 13 1450. Η υπηρεσία μεταφραστών λειτουργεί κατά τις κανονικές ώρες εργασίας.

### INDONESIAN

Sekiranya anda memerlukan bantuan penerjemah lisan (juru bahasa), silahkan menelepon Kantor di negara bagian anda. Pelayanan penerjemahan lisan melalui telepon tersedia selama 24 jam 7 hari seminggu pada nomor 13 1450. Pelayanan penerjemah bahan tertulis tersedia selama jam-jam kerja.

### ITALIAN

Per ottenere l'aiuto di un interprete o di un traduttore telefona al servizio traduzioni e interpreti (TIS) nel tuo stato di residenza. Per avvalerti di un interprete puoi telefonare al numero 13 1450, 24 ore al giorno, 7 giorni la settimana. Il servizio traduzioni opera durante il normale orario di ufficio.

### JAPANESE

通訳や翻訳のサービスが必要な方は、今いらっしゃる州の通訳、翻訳サービス(TIS)に連絡してください。電話通訳サービスは週日、週末を問わず、24時間いつでも利用できます。電話番号は13 14 50です。翻訳サービスはビジネス時間に受け付けています。

### KOREAN

만약 당신이 통역이나 번역의 도움이 필요하시면 주정부의 「번역 및 통역 서비스」(TIS)기관에 전화하십시오. 전화번호 131 450으로 거시면 하루 24시간 주 7일 전화통역이 가능하며 번역서비스는 비즈니스 시간 동안 운영됩니다.

### LAO

ຖ້າວ່າທ່ານຕ້ອງການຄວາມຊ່ວຍເຫຼືອເຮືອງນາມພາສາ ຫຼືວາການແປທັງສີ່ໂທລະສັບຫາຕ້ອງການບໍລິການນາມພາສາຂອງການແປທັງສີ່ (TIS) ຢູ່ຮັດຂອງທ່ານ ນາມພາສາທາງໂທລະສັບມີໄວ້ຮັບໃຊ້ 24 ຊົ່ວໂມງຕໍ່ມື້, 7 ມື້ຕໍ່ອາທິດຕາມນາເວີ 131 450 ບໍລິການແປທັງສີ່ເປີດຍາມໂມງເຮັດວຽກ

### MACEDONIAN

Ako vi e potrebna pismena ili usmena prevodувачка pomoш, telefonirajte во канцеларијата за писмени и усмени преводувачки услуги (TIS) во вашата држава. Преводување преку телефон стои на располагање 24 часа во денот, седум дена во неделата на број 13 1450. Писмената преводувачка служба работи во нормално бизнисно работно време.

### PORTUGUESE

Se necessita de ajuda para interpretação ou tradução, telefone ao escritório do Serviço de Intérpretes e Tradutores (TIS) no seu Estado. Pode obter um Intérprete pelo telefone 24 horas por dia, 7 dias por semana ligando para 13 1450. O serviço de traduções funciona durante as horas de expediente.

### RUSSIAN

Если Вам требуются услуги устного или письменного переводчика, позвоните в Переводческую Службу (TIS) в вашем штате. Перевод по телефону предоставляется круглосуточно 7 дней в неделю по номеру 13 1450. Служба письменного перевода работает в обычные часы работы учреждений.

### SERBIAN

Ako су Vam potrebne usmene или писмене преводилачке услуге, обратите се телефоном Служби за усмено и писмено преводјење (TIS) у својој држави. Телефонске преводилачке услуге су на располагању 24 сата сваког дана на телефон 13 1450. Писмено преводјење се врши у току нормалног радног времена.

### SPANISH

Si necesita asistencia en materia de interpretación o traducción sírvase llamar al Servicio de Traducción e Interpretación (TIS) en su estado. El servicio telefónico de interpretación opera las 24 horas del día, 7 días a la semana en el teléfono 13 1450. El servicio de traducción está abierto durante horas de oficina.

### TURKISH

Yazılı veya sözlü çevirmenliğe gerek duyuyorsanız, eyaletinizdeki Yazılı ve Sözlü Çeviri Servisine (TIS e) telefon ediniz. Telefonda çeviri, günün 24 saatinde ve haftada 7 gün, 13 1450 numarada mevcuttur. Yazılı Çeviri Servisi çalışma saatleri içinde faaliyet gösterir.

### VIETNAMESE

Nếu cần được giúp đỡ về thông ngôn và phiên dịch, xin điện thoại cho Sở Thông Ngôn và Phiên Dịch (TIS) tại Tiểu Bang của quý vị. Dịch vụ thông ngôn qua điện thoại phục vụ 24 giờ mỗi ngày, 7 ngày một tuần, điện thoại số 13 1450. Dịch vụ phiên dịch chỉ hoạt động trong giờ làm việc.