

This fact sheet covers:

- ✔ Getting a copy of the VCAT order
 - ✔ Preparing a review application
 - ✔ What if there is a warrant of possession?
 - ✔ Review hearings at VCAT
 - ✔ Seeking legal assistance
-

If a tenant has missed a hearing at the Victorian Civil and Administrative Tribunal (VCAT) they might be able to apply to have that order reheard. This is often called a review hearing or review application.

There are specific instances where a review application can be heard at VCAT. This is where:

- VCAT has made an order against a tenant without them or their representative being at the hearing,
- A review application is lodged within 14 days of the tenant becoming aware of the VCAT order. This timeframe may be able to be extended if the tenant has a valid reason for not lodging a review sooner,
- The tenant had a reasonable excuse for not attending the hearing, and
- The tenant has a reasonable case to argue.

Below are the steps to help a tenant lodge an application for a review hearing.

1. Getting a copy of the VCAT order

TIP

The VCAT registry can give you the details of the order over the phone and a copy of the order can be emailed to you, if you request it.

A tenant, or someone on their behalf, can call the VCAT Residential Tenancies List registry on (03) 9628 9800 to get a copy of the order that was made in their absence.

Note that if you are requesting copies of more than a few documents, the registry might ask you to [submit an email request](mailto:renting@vcat.vic.gov.au) (renting@vcat.vic.gov.au).

2. Preparing a review application and collecting supporting documents

A review hearing is not guaranteed. Only a lawyer can provide you with advice about the likelihood of a review being granted by VCAT.

Depending on the reason why the tenant couldn't attend, try to collect supporting documents showing why the tenant couldn't go to the hearing or did not know about the hearing.

For example, a doctor's certificate for the tenant or their family member (such as their child) showing they were sick on the hearing day, paperwork showing a court date conflicted with the VCAT hearing date, or a letter from a support worker to show the tenant's reason for non-attendance.

RELATED RESOURCES

VCAT's application to reopen an order is available [here](#).

Completed applications can be sent to:

F: (03) 9628 9822

E: renting@vcat.vic.gov.au

3. What if a warrant has already been purchased

CAUTION

If there is a warrant of possession, you must act quickly because the warrant can be executed **immediately**.

If there is a warrant and you have lodged a review application, you should call the VCAT registry to confirm they have received the application. VCAT should make an order putting a hold on further enforcement (e.g. execution of the warrant).

You can also call the File Clerk at the local police station to inform them that a review application has been lodged and confirm that they will put a hold on executing the warrant.

After a warrant has been executed (i.e. the police have come to the property and changed the locks) the tenancy has legally ended and a rehearing cannot be granted.

4. Review hearings at VCAT

After the application has been lodged, the matter will then be listed for hearing. This can happen any date after lodgement and you may not be given more than a few days warning. You will receive a letter in the mail with the hearing date. If your mail is not reliable, you can call the VCAT registry to check when the hearing has been listed.

Even if you get a hearing date, this does not mean the review hearing has been granted. At the hearing, the tenant will need to convince the VCAT member to grant the new hearing. If the rehearing application is successful, the new hearing will normally go ahead on the same day (i.e. in relation to the original application for a possession order or compensation order), so you need to be prepared for this too.

5. Seeking legal help

If you, or someone you know, is being evicted from a rental property a lawyer can assist to provide legal advice, negotiate with the landlord on the tenant's behalf and/or represent the tenant at VCAT to give them the best chance of avoiding eviction. A lawyer from a community legal service or Victoria Legal Aid might be able to assist the tenant for free.

If you, or someone you know, is at risk of homelessness and has received a notice to vacate, or missed a VCAT hearing contact [Justice Connect Homeless Law](#) immediately on **1800 606 313** (free call from a landline).

If you are a caseworker from a community organisation seeking legal help for a client, you can use our [online enquiry form](#).

Other Victorian legal services that may be able to give you free legal help with tenancy issues are:

- [Your local community legal centre](#)
- [Victoria Legal Aid](#)
- [Tenants Victoria](#)

Other Victorian services that may be able to provide assistance or advocacy are:

- [Consumer Affairs Victoria](#)
- [Tenancy Assistance and Advocacy Program](#) (TAAP)

USEFUL INFORMATION

See the Tenants Victoria [eviction fact sheet](#) for more information about the eviction process, VCAT hearings and warrants.

See VCAT's [Practice Note on Common Procedures](#), which includes information about how VCAT operates and what to expect if you are involved in a case in VCAT as a party.