

Instructions for completing

Application for an order to resolve a retail tenancy dispute – *Retail Shop Leases Act 1994*

General instructions

Copies of the application and providing copies to other parties

The application form and all attachments must be accompanied by three copies. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

Generally, you must give a copy of the application to all parties to the proceeding as soon as practicable, and no later than seven days after the application is filed.

Applications may be lodged

In person: Queensland Civil and Administrative Tribunal, Level 9, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

By mail: QCAT, GPO Box 1639, Brisbane 4001

Some applications may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

Applications must be accompanied by the prescribed application fee

A fee is payable only if you are applying under section 22E of the *Retail Shop Leases Act 1994* for an order that a person give you a document as required in section 22A-22D of that Act, and if you have not previously lodged a *Notice of dispute* for the dispute.

For more information on QCAT fees, please refer to the QCAT factsheet or go to www.qcat.qld.gov.au

Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see credit card payment authorisation form – mastercard and visa accepted).

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- More than one applicant or respondent can be named in an application. For instance, applicants may be joint owners or in partnership.
- If there is insufficient space for the names of either applicant or respondent, you may attach additional pages with similar details.
- If the applicant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered under the *Business Names Act 1962*
 - a State agency name, for example a Queensland Government department.
- Your address will be the address at which documents are given or sent to you, unless you indicate your representative's address as your address for notices.
- Any change in your address for notices must be filed in the tribunal and served on all other parties.

Instructions for completing *(continued)*

PART A APPLICANT'S AND RESPONDENT'S DETAILS *(continued)*

Representative's details

If you want your representative's address as the address for notices, please complete your representative's details and tick the box.

If you want your representative to represent you in any proceedings before the tribunal you must complete the form *Application for leave to be represented*. Generally the tribunal expects people to represent themselves. The tribunal may not grant your request.

You are not required to seek leave if:

- you are a child or a person with impaired capacity
- your case is a disciplinary case
- an Act or the Rules state that you may be legally represented.

PART B DETAILS OF THE SHOP

Check your lease to ensure that the address of the shop and details of the lease recorded on this notice are correct.

PART C GENERAL DISPUTE DETAILS

Please tick the relevant boxes and provide details.

Form Number 34 (version 1)
 Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Application for an order to resolve a retail tenancy dispute – Retail Shop Leases Act 1994

Refer to attached instructions at the front of this application prior to filling out this form.

For office use only	
Case number:	
Date:	
Registry:	
Sent to:	
Fee paid:	
Rec no:	

PART A APPLICANT'S DETAILS	
Name	
<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>
<input type="text"/>	
<i>Surname/Family name</i>	
Company/Partnership/other	
<input type="text"/>	ABN <input type="text"/>
Business Name	<input type="text"/>
Address	<input type="text"/>
	Postcode <input type="text"/>
Telephone	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<i>Home Business Mobile</i>
Fax	<input type="text"/>
Email	<input type="text"/>

PART A APPLICANT'S DETAILS *(continued)*

Representative's details *(if applicable)*

- Tick if you want this to be your address for notices
- Tick if you want your representative to represent you in proceedings before the tribunal *(see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the form Application for leave to be represented. The tribunal may not give you leave to be represented).*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Email

Applicant is *(please tick)*

- tenant
- landlord

PART A RESPONDENT'S DETAILS

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Email

Representative's details (if applicable)

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
----------------------	-----------------	----------------------

Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Respondent is (please tick)

- tenant
- landlord

PART B DETAILS OF THE SHOP

Name of the shop

Address of shop

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Type of business

Permitted use as detailed in your lease

Type of shop (please tick)

- stand alone/strip shop shopping centre

When did the lease start?

 / /

Has the lease expired?

 / /

- Yes
 No

PART C GENERAL DISPUTE DETAILS

1. Has a Form – Notice of dispute, Retail Shop Lease Act 1994 been filed for the dispute?

If yes, please provide case number:

2. Please indicate the grounds on which you are making the application:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | another party to a mediation agreement has not complied with the agreement within the time stated in it or, if no time is stated, within 2 months after the agreement is signed |
| <input type="checkbox"/> | a mediator refused to refer the dispute to the tribunal because the mediator is of the opinion that the dispute is not within QCAT's jurisdiction |
| <input type="checkbox"/> | a court has ordered that a proceeding starting in the court for the dispute be removed to the tribunal or another tribunal |
| <input type="checkbox"/> | you are applying under section 22E of the <i>Retail Shop Leases Act 1994</i> for an order that a person give you a document as required in section 22A-22D of that Act. |

PART C GENERAL DISPUTE DETAILS *(continued)*

3. Is the dispute the subject of arbitration, or has the dispute been the subject of an interim or final award in an arbitration proceeding?

Yes No

If yes, please provide details

4. Is the dispute before, or has the dispute been decided by, a court?

Yes No

If yes, please specify:

• *which court*

• *file number*

• *town or city*

• *commencement date*

PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If there is insufficient space here, please attach additional pages.

1. I want the tribunal to make the following order/s:

Insert orders sought in numbered paragraphs.

Warning

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information.

Maximum penalty for such an offence – \$10,000.

SIGN AND DATE HERE

The information in this application is true to the best of my knowledge.

Applicant/s sign here

Date

If more than one applicant is named all must sign the application.