

For office use only	
Case number	
Date	
Registry	
Fee	
Date paid	
Receipt number	

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

Application fees apply – visit [qcat.qld.gov.au/resources/fees-and-allowances](http://qcat.qld.gov.au/resources/fees-and-allowances) for details

Part A <b>APPLICANT'S DETAILS</b> <i>(full contact details must be supplied)</i> <i>(for multiple applicants please attach details on a separate sheet)</i>		
<b>Applicant type:</b> <i>(please tick one)</i>		
Tenant		
Lessor (landlord)		
<b>Applicant/s Name</b>		
<b>Business Name</b>	<b>ACN/ABN</b> <i>(if applicable)</i>	
<b>Company/Partnership/other</b>		
<b>Postal Address</b>		
<hr/>		
<b>Suburb</b>	<b>State/Territory</b>	<b>Postcode</b>
<b>Contact details</b> <i>(MUST be provided)</i>		
<i>Mobile</i>	<i>Alternative number</i>	<i>Email</i>
<b>Do you identify as Aboriginal or Torres Strait Islander?</b>		
No	Yes, Torres Strait Islander	
Yes, Aboriginal	Yes, both Aboriginal and Torres Strait Islander	
<p>If you want someone to represent you in any proceedings before the Tribunal you must complete <a href="#">Form 56 - Application for leave to be represented</a>. You are not required to seek leave if you are a child or a person with impaired capacity. Visit the QCAT website for more information about <a href="#">legal advice and representation</a>.</p>		

## Part B

### RESPONDENT'S DETAILS *(full contact details must be supplied)* *(for multiple respondents please attach details on a separate sheet)*

**Respondent type:** *(please tick one)*

Tenant

Lessor (landlord)

**Respondent/s Name**

**Business Name**

**ACN/ABN** *(if applicable)*

**Company/Partnership/other**

**Postal Address**

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**Suburb**

**State/Territory**

**Postcode**

**Contact details** *(MUST be provided)*

*Mobile*

*Alternative number*

*Email*

## Part C

### DETAILS OF THE SHOP

**Name of the shop**

**Address of the shop**

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**Suburb**

**State/Territory**

**Postcode**

**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?**

/ /  
*Date Month Year*

**Has the lease expired?**

Yes, on:

/ /  
*Date Month Year*

No







## CHECKLIST

- I have completed all of the questions on this application.
- I have provided the correct number of copies of the application form and attachments (*that is, a copy for each party, plus one for the Tribunal*).
- I have attached a copy of the lease and other relevant supporting documentation.
- I am aware that the prescribed fee must be paid at time of lodgement.
- I am ready to proceed with this application.

## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence – 100 penalty units.

## Sign and date here *(if more than one applicant is named, then all must sign)*

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

Applicant/s sign here

Date/s

Print your name/s here

## Lodgement Details

Deliver to:	Mail to:
Queensland Civil and Administrative Tribunal Floor 11, 259 Queen Street Brisbane Qld 4000 OR your local Magistrates Court. To find your local courthouse visit: <a href="http://courts.qld.gov.au/contacts/courthouses">courts.qld.gov.au/contacts/courthouses</a>	Queensland Civil and Administrative Tribunal GPO Box 1639 Brisbane Qld 4001 OR your local Magistrates Court. To find your local courthouse visit: <a href="http://courts.qld.gov.au/contacts/courthouses">courts.qld.gov.au/contacts/courthouses</a>

## INSTRUCTIONS FOR COMPLETING FORM 34

### Application for an order to resolve a retail tenancy dispute

#### Identify and naming parties

The applicant and respondent must be named correctly. If the party is not an individual then you must use the precise/exact company name, a business name (whether it is registered or not, including real estate agencies), or the name of a State agency or department. To ensure that you are taking action against the right organisation you **MUST** include the correct ABN/ACN for the company or business name. If you do not correctly name a party you may not be able to enforce any order made against them if you succeed in your claim.

Visit the QCAT website for information on [identifying and naming the parties](#) or contact the Australian Securities and Investment Commission (ASIC) for business name and company information. A search fee may be charged.

More than one applicant or respondent can be named in an application. If there is more than one, then everyone **MUST** be named. If there is not enough space to include additional parties, you can attach the contact details (name and address details) on a separate sheet of paper to the application.

#### Fees

You must pay the prescribed application fee when lodging your application. Visit the [QCAT website](#) for application fees.

Cash payments can be made in person at the QCAT Brisbane registry or your local Magistrates Court.

Cheque or money order payments are to be made out to 'Department of Justice and Attorney-General'.

Credit card payments can be made by submitting a [Credit card payment authorisation form](#) with your application and can only be accepted by post or in person.

You may apply to QCAT for a waiver of the fee on the grounds of financial hardship. To apply, you **MUST** complete and lodge [Form 49 - Application for waiver of fees by reason of financial hardship](#). If you are eligible for a waiver you will not be required to pay the fee.

#### Lodging your application form

Before you lodge your application with QCAT you must make **two (2)** photocopies of the application and all attached supporting documents and lodge these together with your original application. An extra copy is required for each additional respondent. If you file your documents in person or by post, you must include a stamped self-addressed A4 envelope.

#### Delivering copies to the respondent

QCAT must give a copy of the application to the respondent/s.

#### Joining applications and counter applications

Both parties involved in the dispute can make an application against the other party for the same agreement. For example, a tenant may claim the bond and the landlord may make a claim for compensation.

Where this occurs applications may be joined. This means the claims may be heard and decided together. To make a counter application against the original application, complete and lodge [Form 8 - Minor civil dispute - counter application](#). Visit the [QCAT website](#) for more information about responding to an application.

## **Legal advice and representation**

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given.

Information about where to seek legal advice is available at [Where to seek legal advice](#).

## **Parties experiencing domestic and family violence**

Parties who are experiencing domestic and family violence can apply for a non-publication order. This means that if the order is granted by the Tribunal, your personal details such as your address and phone number/s will not be available to the public. If necessary, they will also not be available to any other party to the proceedings.

A non-publication order also prevents publication of:

- the contents of a document or other material produced to the Tribunal;
- evidence given to the Tribunal;
- information that may enable a person who has appeared before the tribunal, or is affected by a proceeding, to be identified.

To apply for a non-publication order, please complete and lodge [Form 40 - Application for miscellaneous matters](#).

## **Witnesses**

If you have a witness whose evidence you rely upon to support your claim, that person should complete an affidavit setting out their evidence and attach it to your claim. Your witness may be required to answer questions at the hearing. If the witness cannot attend the hearing in person, they **MUST** be available by telephone.

## **Withdrawing an application**

An application can be withdrawn if you no longer wish to proceed to have the dispute decided by the Tribunal. An application can be withdrawn at any time prior to the final hearing and determination of the application by lodging a [Form 58 – Application for leave to withdraw an application or referral / Notice of withdrawal of application or referral](#) online. Visit the QCAT website for more information on how to [withdraw an application](#).

## **Protecting your privacy**

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

## **Contact us**

For information about the application process or going to the Tribunal visit the [QCAT website](#).