



Boarding houses application

CONSUMER AND COMMERCIAL DIVISION | GENERAL LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for orders under the *Boarding Houses Act 2012* to resolve a boarding house dispute.

File Number

Office use only

1. DISPUTE DETAILS

A. WHAT IS THIS DISPUTE ABOUT?

Tick the box that best describes the boarding house dispute.

- | | | |
|----------------------------------------------------|-------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Occupancy agreement | <input type="checkbox"/> Payment of money | <input type="checkbox"/> Compensation |
| <input type="checkbox"/> Occupancy fees or charges | <input type="checkbox"/> Access to goods | <input type="checkbox"/> Termination |

B. ADDRESS OF BOARDING HOUSE

Address:

C. BOARDING HOUSE TYPE

- General Boarding House (5 or more residents)
- Assisted Boarding House (2 or more residents with additional needs)

D. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties and the current dispute:

- Are you making an application that concerns goods or services that you were provided that were funded by the National Disability Insurance Scheme?

2. APPLICANT

A. APPLICANT TYPE

Tick the box that best describes the person lodging the application to the Tribunal.

- Resident Former resident Proprietor Former proprietor

B. APPLICANT'S DETAILS

Provide your details as shown on the occupancy agreement.

Full name:

Postal address:

Contact details: Daytime telephone

Mobile

Email

- Do you want NCAT notices and correspondence emailed to you?

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

3. RESPONDENT

A. RESPONDENT TYPE

Tick the box that best describes the person you are making the applicant against.

Resident Former resident Proprietor Former proprietor

B. RESPONDENT'S DETAILS

Who is the application against? Provide details of person as shown on the occupancy agreement.

Full name:

Postal address:

Contact details: Daytime telephone

Mobile

Email

4. ORDER DETAILS

A. WHAT ORDERS DO YOU WANT?

Write down the section/s of the *Boarding Houses Act 2012* and the orders you want the Tribunal to make. Refer to the attached information for the sections of the Act and types of orders that can be made.

B. REASONS FOR ASKING FOR THE ORDERS?

You must explain why you are lodging this application and asking for Tribunal orders by providing as much information as possible.

5. HEARING

A. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 6 weeks:

B. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

C. INTERPRETER

Do you need an interpreter for the hearing? Yes No

If yes, specify language and dialect:

6. APPLICATION CHECKLIST

- I have attached all other documents relevant to this application**
Attach details of multiple applicants or respondents, or further information about the orders you are seeking.
Note: A copy of this application and any attachments will be sent to the respondent.
- I have made a copy of this application for my own records**
Before lodging your application with NCAT you must make a copy of your application for your own records.
- I have attached the application fee**
Refer to the fee schedule on the [NCAT website](#). Credit card payments can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.
- If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

7. SIGNATURE

Applicant's signature or signature of representative.

Name

Signature

Date

Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Consumer and Commercial Division Registry locations visit the [NCAT website](#). For all NCAT enquires telephone 1300 006 228 or visit www.ncat.nsw.gov.au.

GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete the NCAT Boarding House Application Form. Section headings and numbers match the questions on the form.

1. DISPUTE DETAILS

A. WHAT IS THE DISPUTE ABOUT?

Tick the box that best describes the boarding house dispute that is the subject of your application to NCAT.

B. ADDRESS OF BOARDING HOUSE

This is the street address of the boarding house. Include the room number occupied by the resident.

C. BOARDING HOUSE TYPE

NCAT can only hear and determine applications concerning a 'registrable boarding house'. Tick the boarding house type that best describes the premises.

- **General Boarding House**
Boarding premises accommodating 5 or more paying residents (excluding the proprietor, manager or their relatives).
- **Assisted Boarding House**
Boarding premises accommodating 2 or more residents with additional needs (i.e. someone with an age-related frailty, a mental illness or a disability, that is permanent or likely to be permanent and results in the need for support or supervision with daily tasks and personal care) not accounting any persons with additional needs who reside there with the competent relatives).

A boarding house does not include:

Premises used as a hotel, motel or bed and breakfast accommodation; backpackers hostel; serviced apartment; premises used to accommodate workers or employees in connection with their employment; a school, health facility, nursing home, mental health facility, public hospital or resident care facility; retirement villages; premises subject to certain other legislation; premises used for refuge or crisis accommodation or accommodation for person with addition needs provide and funded by public agencies or Government; or premises prescribed by the regulations (see sections 5 and 37 of the Act for full details).

D. RELATED FILE NUMBERS

If you have already been to NCAT, or if this is a cross claim to an application already pending before NCAT, enter the previous file numbers if you know them. These should be file numbers of other matters with the same parties.

National Disability Insurance Scheme

If the dispute concerns goods or services that you were provided that were funded by the National Disability Insurance Scheme (NDIS), please indicate by ticking the box. For more information visit the [NDIS website](#).

2. APPLICANT

A. APPLICANT TYPE

The applicant is the person who is lodging the application form. Tick the box that best describes who you are.

B. APPLICANT'S DETAILS

Provide your full name. If there is an occupancy agreement, write your name as it appears on the agreement. Include your postal address where you want your mail sent to.

Do you want NCAT notices and correspondence emailed to you?

By ticking this box you agree to receive all future case-related correspondence by email, including the notice of hearing. To change your email address after the application is lodged, log into [eServices](#) via the NCAT website.

3. RESPONDENT

A. RESPONDENT TYPE

The respondent is the person you are making the application against. Tick the box that best describes who the respondent is.

B. RESPONDENT'S DETAILS

Provide the respondent's name and their postal address. If there are multiple respondents, please specify the names of all respondents on the application form. If there is insufficient space on the form you may attach the additional information.

Note: Make sure the respondent is named correctly. If the information provided about the respondent is incorrect, this may delay proceedings or result in orders being made that are unenforceable.

4. ORDER DETAILS

A. WHAT ORDERS DO YOU WANT?

Specify the section of the *Boarding Houses Act 2012* and the orders you want NCAT to make. A full list orders NCAT can make can be found on page 6 of this form. You can request more than one order.

If you are unsure which order to select, please contact NSW Fair Trading for assistance on 13 32 20.

B. REASONS FOR ASKING FOR THE ORDERS?

You must explain why you are lodging the application and seeking orders from NCAT. Your reasons must be detailed enough so that the respondent can understand what the dispute is about. Attach additional information on a separate sheet if there is insufficient space.

You should also include copies of the documents you will rely on such as your occupancy agreement, receipts, notices or other relevant material.

5. HEARING

A. UNAVAILABLE DATES

List any dates you are unable to attend a hearing in the next 3 weeks. Work, training and study commitments are generally not accepted. Note: Your unavailability may affect the timely listing of the matter.

Urgent hearings

Urgent hearings are only granted under exceptional circumstances. This generally refers to cases where there is a threat to personal safety or property, or where there is significant hardship. To apply for an urgent hearing you must provide evidence that an urgent hearing is required. Clearly state on the application form that you are requesting an urgent hearing and include your reasons.

B. SPECIAL NEEDS

If you have a special need please specify on the application form. Otherwise contact NCAT and ask to speak to a Deputy Registrar to discuss your individual requirements.

C. INTERPRETER REQUIRED

NCAT can organise an interpreter upon request for parties to proceedings. If you need an interpreter for the hearing, tick the box and specify the language and dialect required.

6. APPLICATION CHECKLIST

I have attached all other documents relevant to this application

Include all relevant information with your application. Your application and any attachments will be forwarded to the respondent. Do not include any confidential information with your application.

I have made a copy of this application for my own records

Before lodging your application with NCAT you must make a copy of your application for your own records.

I have attached the application fee

You must pay the application fee when lodging your application. The fee schedule is available on the [NCAT website](#).

Credit card payment can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payments can be made in person at any NCAT Registry or Service NSW Centre.

If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

7. SIGNATURE

You must print your name and sign and date the application form. If the application form is submitted without being signed, this will cause unnecessary delays.

EVIDENCE AND SUPPORTING MATERIALS

At the hearing, depending on the orders you want, you will need to provide evidence to support your side of the story.

Your evidence and supporting materials may include:

- Copy of the occupancy agreement
- Receipts for occupation fees, security deposit and utility charges paid for
- Notice of termination
- Copies of all correspondence between parties
- Repayment plans where you have negotiated a repayment agreement to clear unpaid occupancy fees
- Photographs showing the condition and state or repair of the boarding house premises
- Statements, statutory declarations or affidavits from witnesses or other interested persons
- Authority to act if you are being represented.

These documents will be provided to the other party. You should not provide information that you do not want disclosed to the other party.

ORDERS under the *Boarding Houses Act 2012*

An application to NCAT should request at least one of the orders below. Please read this information before completing the application form. Refer to the relevant section of the *Boarding Houses Act 2012* for more details.

ENFORCEMENT OF OCCUPANCY PRINCIPLES

Section	Orders	Who can apply?	Information required
32(4)(a)	An order that restrains any action in contravention of the occupancy principles	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details about the occupancy principles that have been broken.
32(4)(b)	An order that requires an action in performance of the occupancy principles	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details about the occupancy principles that have been broken.
32(4)(c)	An order for the payment of an amount of money (including an order for the refund or repayment of some or all of an amount paid as an occupancy fee or security deposit)	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details as to why NCAT should order payment to you. List the particulars and amount of each item.
32(4)(d)	An order as to compensation	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details as to why NCAT should order that compensation be paid to you.
32(4)(e)	An order that a party to the occupancy agreement perform such work or take such other steps as the order specified to remedy	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details about the occupancy principles that have been broken and the remedy you are seeking.
32(4)(f)	An order that requires payment of part or all of an occupancy fee to the Tribunal until the whole or part of the occupancy agreement has been performed or pay application for compensation has been determined	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details as to why the occupancy fee should be paid to NCAT.
32(4)(g)	An order that requires an occupancy fee paid to the Tribunal be paid toward the cost of remedying a contravention of the occupancy principles or towards the amount of any compensation	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Explain why NCAT should make orders for the occupancy fee be used toward the cost of remedying a breach or toward compensation.
32(4)(h)	An order directing a proprietor, proprietor's agent or resident to comply with a requirement of Part 3 of the Act	<ul style="list-style-type: none"> • Resident • Former resident • Proprietor • Former proprietor 	Provide full details about the sections of the Act that the other party is failing to comply with.
32(4)(i)	An order directing the proprietor (or their agent) to give a former resident (or authorised person) access to the boarding house to recover goods	<ul style="list-style-type: none"> • Former resident 	Provide details about the goods or fixtures which remain at the boarding house. Explain why you want NCAT to make this order

WRITTEN OCCUPANCY AGREEMENT

Section	Orders	Who can apply?	Information required
33(1)	An order that the proprietor of a registrable boarding house enter into a written occupancy agreement with the resident	<ul style="list-style-type: none"> • Resident 	Provide full details