

**Practice Note – PNOC1**  
**Owners Corporations List (fee recovery disputes) – General Procedures**

<b>Application</b>	Owners Corporations List (fee recovery disputes)
<b>Effective date</b>	1 July 2020
<b>Special note</b>	Please ensure that you are using an up-to-date version of this practice note. Other practice notes may also apply, including PNVCAT1.
<b>Further information</b>	A complete set of current practice notes are available on the Tribunal's website at <a href="http://www.vcat.vic.gov.au">www.vcat.vic.gov.au</a>

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## Introduction

- 1 This practice note applies to the practice of the Tribunal in exercising a function allocated by the Rules to the Owners Corporations List of the Civil Division in relation to fee recovery disputes.
- 2 The purpose of this practice note is to regulate the Tribunal's procedures in fee recovery applications.
- 3 In any proceeding, the Tribunal may at its discretion vary the operation of a practice note by direction or order.
- 4 This practice note has been issued by the Rules Committee pursuant to s 158 of the *Victorian Civil and Administrative Tribunal Act 1998*.

## Definitions

Word	Definition
Act	<i>Victorian Civil and Administrative Tribunal Act 1998</i>
Rules	<i>Victorian Civil and Administrative Tribunal Rules 2018</i>

- 5 A word or term used in this practice note has the same meaning if defined in the Act or in the *Interpretation of Legislation Act 1984*.

## How do I commence a proceeding?

- 6 A party wishing to make an application for fee recovery to the Tribunal must lodge an application with the Tribunal in the form available on the Tribunal's website and pay the prescribed application fee.
- 7 The application should include full details of the Owners Corporation fees claimed together with any interest and costs sought.

## Dealing with Applications

- 8 Upon the filing of an application for fee recovery in the Owners Corporations List the principal registrar will classify the proceeding according to the amount claimed.
- 9 Where the amount claimed is less than \$15,000 the application will be set down for hearing.
- 10 Where the amount claimed is over \$15,000 the application will be reviewed by a member to determine whether any interim orders or directions should be made before the matter is listed for hearing. This is to aid the expeditious hearing of matters by the Tribunal.
- 11 The Tribunal will serve the application on the respondent unless the Tribunal directs or orders otherwise.

- 12 If a defence to the application is received, the Tribunal may vacate any hearing and list the matter for a mediation, compulsory conference or a directions hearing.

### What to bring to the hearing

- 13 Where a proceeding is listed for hearing and unless otherwise ordered by the Tribunal parties should send copies of all documents on which they will rely at the hearing to the other party at least 4 business days before the hearing.
- 14 The Applicant should bring the following to the hearing:
- (a) copies of all fee notices issued pursuant to Section 31 & 32 of the *Owners Corporations Act 2006*;
  - (b) a completed and executed Summary of Proofs.
- 15 The respondent should bring the following to the hearing:
- (a) All evidence and documents upon which they rely.
- 16 Alternatively, and at its sole discretion, the Tribunal may list a matter for hearing by telephone or by way of video conferencing facility.
- 17 When a matter is listed for hearing by telephone or video conferencing facility the parties must send by email to the Tribunal no later than 4 business days before the date of the hearing a copy of all documentation upon which the party seeks to rely in the hearing.
- 18 Where the applicant is required to produce additional documentation in support of the information contained in the Summary of Proofs, the hearing may be adjourned and appropriate procedural orders made.

### Adjournments

- 19 Parties seeking adjournments must comply with the requirements of Practice Note PNVCAT1.

### Directions

**Note:** The Tribunal may issue directions on its own initiative in the Owners Corporation List without a directions hearing. A directions hearing may be listed for a procedural timetable to be set, to determine any interlocutory application, to resolve a preliminary or procedural issue or if the Tribunal considers it desirable to do so to facilitate the fair and efficient conduct of the proceeding.

- 20 Any application by a party for a proceeding to be listed for a directions hearing should be made in accordance with [PNVCAT5 – Directions Hearings and Urgent Hearings](#).

**Note:** Where a compliance hearing has been listed, parties should expect that it will proceed, even if Minutes of Consent Orders have been filed, unless advised by the Tribunal that it has been vacated.

## Forms

- 21 All forms referred to in this practice note are available on the Tribunal's website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

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