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| VCAT - Victorian civil and administrative tribunal | 55 King Street Melbourne VIC 3000 GPO Box 5408 Melbourne VIC 3001 Website: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au/) Phone: 1300 018 228 |

# Application for leave to withdraw

## General information

Under section 74 of the *Victorian Civil and Administrative Tribunal Act 1998* (“the Act”), at any time before a final decision in a proceeding, an applicant may seek leave to withdraw that proceeding by written notice to the Tribunal and all other parties.

A Tribunal order granting leave to withdraw ends the proceeding. Once the withdrawal order has been made, the proceeding cannot be reinstated. If the parties have reached agreement to vary a decision under review, or if parties have reached terms of settlement and are seeking a final order, we recommend that you file consent orders, signed by all parties, rather than apply for leave to withdraw.

If a party seeks to withdraw their application, that party should advise the Tribunal, and the other parties, in writing as soon as possible, particularly if there is a scheduled hearing that is no longer required. This will minimise further costs and inconvenience to other parties and the Tribunal.

The granting of leave to withdraw is not automatic. The Tribunal may, in its discretion, refuse leave to withdraw or refer the matter to a directions hearing or hearing or make an alternative order. Circumstances where this may occur include:

1. if the Tribunal considers that the withdrawal is misconceived or will not lead to the outcome intended by a party;
2. if the withdrawal would not dispose of the entire proceeding;
3. if the withdrawal may adversely affect other parties;
4. if the matter has been heard and is awaiting a final decision.

The withdrawal of a proceeding is subject to section 74(2)(b) of the Act. Any other party seeking costs arising from the withdrawal of a proceeding should make the application for costs as soon as practicable (usually within one month) after receiving a copy of the order granting leave to withdraw.

**For renting disputes**: Please indicate if Renewal of Proceedings only needs to be withdrawn.

All fields are mandatory. Your application may be delayed or rejected if you do not provide all information.

## Need help with your application?

Contact 1300 018b228 between 9 am and 4.30 pm Monday to Friday.

## Address the correct VCAT List

You must indicate the List that communicated with you about your VCAT case in this application.

* Building and Property List
* Civil Claims List
* Guardianship List
* Human Rights List
* Legal Practice List
* Owners Corporations List
* Planning and Environment List
* Residential Tenancies List
* Review and Regulation List

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# Application form for leave to withdraw

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| VCAT List |  |
| Reference Number |  |

## Proceeding details

|  |  |
| --- | --- |
| Applicant/s |  |
| Respondent/s |  |
| Other/s *(eg. Represented person, joined party, objector, etc.)* |  |

## Details of party seeking leave to withdraw

Are you the:

Applicant  Respondent

Other *(specify)*

|  |  |
| --- | --- |
| Party’s name/company: |  |
| Contact number: |  |

Is the party represented?  Yes  No

If yes, by whom?

## Withdrawal application details

What are your reasons for applying to withdraw this application?

Has a counterclaim been filed and served by the other party to this proceeding?

Yes  No

If yes, you should attach written consent from the other party. If you fail to do so, your application for leave to withdraw may be rejected by the Tribunal.

I am the applicant/representative in this matter and wish to withdraw the application.

I understand that this matter cannot be brought before VCAT again without leave from the Tribunal.

|  |  |
| --- | --- |
| Signed: |  |
| Date: | /    / |

## Where can you lodge this application

You can send your completed form to us by post, email or fax.

### By post

VCAT   
GPO Box 5408   
Melbourne VIC 3001

### By email

Email your completed form to the area in VCAT that is dealing with your case.

**Building and Construction**   
Email: [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

**Mental Health**   
Email: [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

**Co-owned Land and Goods**   
Email: [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

**Owners Corporations**   
Email: [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

**Disability Act**   
Email: [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

**Planning and Environment**   
Email: [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

**Equal Opportunity**   
Email: [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

**Powers of Attorney**   
Email: [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

**Goods and Services**   
Email: [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

**Renting a Home**   
Email: [renting@vcat.vic.gov.au](mailto:renting@vcat.vic.gov.au)

**Guardianship and Administration**   
Email: [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

**Retail and Commercial Leases**   
Email: [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

**Health and Privacy**   
Email: [humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

**Review and Regulation**   
Email: [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

**Land Valuation**   
Email: [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

**Unreasonable Flow of Water Between Properties**  
Email: [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

**Legal Practice**   
Email: [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)