

# Providing documents for housing matters at SACAT

## Providing documents to SACAT for housing matters

If you want to make an application to SACAT you must provide the mandatory (required) documents (and pay any applicable fee) before anything can be done with your application.

Whether you apply online, over the telephone or in person, you must provide documents to support your case.

If you have not provided all the necessary documents, SACAT may contact you to request further documents. Once all documents have been provided, then the application will be listed for a hearing - the hearing may be a "full" hearing at which the Tribunal member will take evidence and make a decision, or it may be a conference (at which the Tribunal member will guide the parties in their discussions with a view to achieving an agreed outcome). Whether or not an application is referred to a full hearing or conference depends on the nature of the application.

The following guidelines are intended to provide general assistance to parties about the documents to be provided, depending on the nature of their application.

### An application for vacant possession

This is an application made by a landlord or rooming house proprietor either when the tenancy or rooming house agreement has ended, or if the tenant or resident is in breach of their obligations. The applicant must provide the following documents:

- Notice of breach ([Form 5](#))
- Notice of termination together with supporting documentation<sup>1</sup>

- Tenancy agreement(s) if you have a written agreement
- If the application is about rent – an up-to-date rent record
  - You can get more information about rent records in Consumer and Business Services' [Factsheet 3](#)
- If the application is about outstanding water invoices – a copy of SA Water invoices and agency issued invoices OR evidence of the water usage and calculations
  - More information is available at CBS' [Energy and Water-Charges Fact Sheet](#)
- If the application is about failure to provide access – the notice requiring access
- If the application is about non-compliance with a previous Tribunal order - a copy of the previous order

### Termination and/or vacant possession

This is an application made by the landlord or rooming house proprietor where no notice of breach or termination has been served and the application is seeking an order to end the tenancy or rooming house agreement.

- Tenancy agreement(s) (if there is a written agreement)
- The grounds for the application along with a copy of any supporting documents should be provided if the application is based on grounds of hardship or tenant's conduct eg:
  - Hardship – medical certificates or employment-related evidence such as payslips or termination notice
  - Conduct – statutory declarations from witnesses, photos of property damage or illegal use of premises

<sup>1</sup> There are some reasons for termination of a periodic tenancy (Form 7) and a fixed-term tenancy (Form 9) which require prescribed evidence to be provided in support of termination.

### **Claim on the bond and/or compensation**

This is an application made by a landlord or rooming house proprietor after the end of the agreement (i.e. the tenant or resident has vacated) and the landlord/proprietor is claiming compensation for outstanding rent or water invoices, repairs to damage, cleaning, rubbish removal or gardening costs.. The following documents should be provided:

- Statement/summary of claims
- Inspection sheets/photos
- Invoices/quotes
- Rent records

If the application involves compensation for break-lease charges (because the tenant or resident vacated prior to the expiry of the tenancy or rooming house agreement) you may be able to claim some of a re-letting fee and some advertising costs. See CBS' website, [SA.GOV.AU - Ending a fixed term lease early](http://SA.GOV.AU - Ending a fixed term lease early), for further information. You should also include break lease calculations and evidence with the application.

### **Tenants' applications – termination, repairs, compensation etc**

- Tenancy agreement(s) (if you have a written agreement)
- If the application is seeking an order terminating the tenancy:
  - If the application is made on the basis of a notice of termination served by the tenant/resident – the notice of termination and any supporting documents
  - If the application is made on the grounds of undue hardship, then the applicant should provide documents to establish the hardship
- If the application is seeking orders for repairs and/or compensation then the applicant

should provide a repairs schedule, and any documents to establish the claim (i.e. photos)

### **Residential parks disputes**

- Residential park agreement (if there is one)
- The documents listed above for a residential tenancy/rooming house dispute

### **Retirement village disputes**

- The residence agreement
- A written explanation of the issues in dispute
- Evidence relevant to the application (such as recent statements of account of the administering authority, emails, letters or other correspondence between the parties)

### **Other applications**

- Tenancy agreement(s) (if you have a written agreement)
- A written statement about your application and documented support (including photos)
- Any other evidence in support of your application on which you will be seeking to rely

### **Contact the Tribunal**

If you would like to speak to a staff member about the documents you need to provide for a housing application, please telephone SACAT on 1800 723 767 (select option 4 and then option 1).

Consumer and Business Services' Website also has further information available: [Renting & Letting Advice](#).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.