

APPLICATION FOR ENDORSEMENT

section 10 of the *Residential Tenancies Act 1997*

ACAT file number: RE

1. LESSOR

For more than one lessor, attach a separate page.

Name

(if a company include
ACN/ARBN)

Postal address

(if a company, address should
be the registered office)

Email

(preferred contact)

Telephone

Is the lessor a:
(tick one)

social, community, crisis, transitional or supported housing organisation
private lessor

ACAT will use these details to communicate with the lessor.

2. TENANT

For more than one tenant, attach a separate page.

Name

(if a company include
ACN/ARBN)

Postal address

(if a company, address should
be the registered office)

Email

(preferred contact)

Telephone

ACAT will use these details to communicate with the tenant.

A copy of this application form will be provided to each lessor and tenant. ACAT hearings are usually open to the public and information provided to ACAT may be publicly available. If you have concerns about your information being made public, please contact us.

3. AUTHORISED REPRESENTATIVE (IF ANY)

A representative who is not a lawyer must also lodge a *Power of Attorney* (for an individual) or an *Authority to Act for a Corporation* (for any other legal entity). If both the lessor and the tenant have an authorised representative, attach a separate page with the details.

Name	<input type="text"/>
Organisation or company (if applicable)	<input type="text"/>
Postal address	<input type="text"/>
Email (preferred contact)	<input type="text"/>
Telephone	<input type="text"/>

Who do you represent? Lessor Tenant

If you have an authorised representative, ACAT will communicate with your representative.

4. ADDRESS OF THE RENTAL PREMISES

5. TERM/S TO BE ENDORSED

Attach the residential tenancy agreement which has been signed by the lessor and the tenant. The inconsistent terms you want endorsed must be:

- numbered and form part of the residential tenancy agreement;
- inconsistent with the standard term/s in schedule 1 of the *Residential Tenancies Act 1997*;
- clearly identified in the table below.

The lessor and the tenant apply for each term in column 1 to be endorsed by ACAT. The term/s in column 1 are inconsistent with the standard term/s listed in column 2. If you need more space attach a separate page.

1. Inconsistent term to be endorsed Write the number of each inconsistent term in the residential tenancy agreement you want ACAT to endorse	2. Standard term Write the number of each standard term with which the proposed term is inconsistent
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

6. ADDITIONAL INFORMATION

ACAT must consider whether the terms to be endorsed were obtained by fraud or undue influence, any criteria determined under the *Residential Tenancies Act 1997* and any other relevant information. Provide details of the negotiation and signing of the agreement, and other relevant information such as the physical characteristics of the premises, the lessor's or tenant's financial or personal circumstances, and whether the inconsistent term has been endorsed before. Attach a separate page if you need more space.

7. HEARING

List any dates in the next 8 weeks that you are **not** available to attend ACAT

Do you need an interpreter? **No** **Yes** (language and dialect)

Do you need assistance when you attend ACAT? (for example, a hearing loop when you attend ACAT)

A list of assistance ACAT can provide is available on the 'Accessibility' page of our website (www.acat.act.gov.au)

No **Yes** (provide details)

8. CERTIFICATION AND SIGNATURE

By signing this form, I certify that:

- a true copy of the residential tenancy agreement is attached;
- the lessor and the tenant have entered into the residential tenancy agreement freely;
- I consent to ACAT endorsing the terms listed in the table in section 5, column 1; and
- the information in this form is true.

Signature of lessor/lessor's representative

Name of person signing

Date

Signature of tenant/tenant's representative

Name of person signing

Date

INFORMATION ABOUT APPLICATIONS TO ENDORSE INCONSISTENT TERMS IN A RESIDENTIAL TENANCY AGREEMENT

When is this form used?

All residential tenancy agreements (leases) have standard terms. The standard terms are in schedule 1 of the *Residential Tenancies Act 1997* which is available at www.legislation.act.gov.au

A lessor and a tenant can agree to include other terms or clauses in their residential tenancy agreement. A term that is inconsistent with a standard term must be endorsed by ACAT before it can be enforced by the lessor or the tenant. If an inconsistent term is not endorsed by ACAT, it is void and cannot be enforced by the lessor or the tenant.

This form should be used to ask ACAT to endorse a term of a residential tenancy agreement that:

1. has been agreed to by the lessor and the tenant; and
2. is inconsistent with a standard residential tenancy term.

There is no fee for this application.

Who is the applicant and respondent?

An application for endorsement must be made jointly by the lessor and the tenant. The application form must be signed by both the lessor and the tenant, or their authorised representative.

Authorised representatives

A representative who is not a lawyer must be correctly authorised. This includes a managing agent representing a lessor. If the party being represented is:

- an **individual**, a *Power of Attorney* for the representative is required; or
- a **corporation** or a **different legal entity**, an *Authority to Act for a Corporation* is required.

These forms are available on ACAT's website (www.acat.act.gov.au). If the application is signed by the representative the authorisation should be provided to ACAT when the application is lodged.

What happens next

Once the application is lodged:

1. ACAT will consider the application to assess if it is suitable for consent orders to be made without a hearing; or
2. If ACAT requires further information, we will:
 - a. send the lessor and tenant a letter requesting the information. If the information is not provided the application may be dismissed; or
 - b. hold a short hearing (about 15 minutes) so that ACAT can discuss the application with the lessor and tenant. We will send you a letter with the time and date of the hearing, and information about how to take part.

The ACAT will only endorse terms which are freely consented to, clear and unambiguous. If there is uncertainty about the meaning of a term, or the circumstances of entering into the agreement, ACAT will list the application for a short hearing.

More information

Visit our website www.acat.act.gov.au for information about:

- Rental property disputes and endorsements
- What to expect
- Lodge or serve documents

Contact ACAT

Telephone (02) 6207 1740

Email tribunal@act.gov.au

Post ACT Civil and Administrative Tribunal (ACAT)
GPO BOX 370
CANBERRA ACT 2601