

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
RESIDENTIAL TENANCIES LIST
REGISTER OF PROCEEDINGS**

APPLICANT(S):

Renter

Podjana Tienmon
Chawakorn Kamnuansil

RESPONDENT(S):

Residential Rental Provider

Areal Property Hawthorn

RENTED PREMISES:

243 Franklin St Unit1803, MELBOURNE 3000

BOND NUMBER(S):

15733722

Application under *Residential Tenancies Act 1997* challenging validity of notice to vacate - residential
Section 91ZZS

VCAT finds:

1. The applicants have filed an application under section 91ZZS of the *Residential Tenancies Act 1997* challenging the validity of a notice to vacate.
2. The notice to vacate in question was given to the renter under section 91ZL of the Residential Tenancies Act 1997.
3. Section 91ZZS of the Residential Tenancies Act 1997 specifies that a renter may apply to challenge the validity of a notice to vacate given under section 91ZX , 91ZY, 91ZZ, 91ZZA, 91ZZB or 91ZZC. It does not allow a renter to challenge the validity of a notice to vacate given under section 91ZL.
4. Pursuant to section 75 of the *Victorian Civil and Administrative Tribunal Act 1998*, the Tribunal has formed the view on the material before it, that the application is misconceived.
5. The renters cannot preemptively challenge the notice to vacate. **However, the renters can still challenge the validity of the notice to vacate under section 91ZZI of the Act if the residential rental provider applies for a possession order on the basis of the 91ZL notice to vacate issued on 11 July 2025.**
6. **The Tribunal notes that if the parties can agree on an arrangement for the renters to move out for about 14 days, the repairs could be completed and the renters could return to the premises.**

VCAT orders:

1. The application is struck out with a right to apply for reinstatement.

Note: If the applicants apply for reinstatement they must provide details of why the strike out order is opposed, including a response to the findings made by the Tribunal above.



F. Gelev, Member

