

Subject: Without Prejudice — Franklin 1803: Settlement Terms (VCAT R2025/18589/00)
From: Chawakorn Kamnuansil <ck.chawakorn@gmail.com>
Date: 17/8/68, 17:11
To: jamie.ong@areal.com.au

Without Prejudice - Subject to Contract - Save as to Costs
Please confirm acceptance by: 23 August 2025, 17:00 AEST

On acceptance, I will request a VCAT consent order.

Dear Jamie Ong,

VCAT has dismissed the possession application in R202518589/00. I propose the following to conclude this matter efficiently.

Proposed Terms

- Compensation: AUD 10,000 lump sum, payable by bank transfer (details on acceptance).
- Rent freeze: Rent fixed at \$2,825/month for 24 months from the acceptance date.
- File management and internal actions:
 - Within 7 days of acceptance, confirm in writing that:
 - Sylvia Hao and Johnson Tan will no longer be involved.
 - Appropriate internal actions have been taken.
 - Documentary confirmation will be provided.
- Bond: Maintain/return in full with no deductions.
- Authority & escalation: See **Leverage & Enforcement** for authority and escalation requirements.

Leverage & Enforcement

- Time of the essence: Offer expires 23 August 2025, 17:00 AEST.
- Without prejudice — save as to costs: This correspondence may be relied upon as to costs.
- Authority warranty: The signatory warrants authority to bind the agency and rental provider. If authority is limited, escalate to the OIEC/Principal and confirm within 7 days.
- No re-filing: Following acceptance, no further possession action will be taken on the same facts or grounds as R202518589/00.
- Non-retaliation & file controls: No adverse action against the renters. Sylvia Hao and Johnson Tan are removed from any involvement. Confirm file annotations and handover.
- Default consequences: If the deadline passes without acceptance, I will proceed with: (i) a VCAT compensation application with costs and statutory penalty interest under the Penalty Interest Rates Act 1983 (Vic) at the applicable rate, (ii) a complaint to Consumer Affairs

Victoria (EARS) and the Business Licensing Authority, and (iii) where applicable, a complaint to the Victorian Ombudsman.

- Confidentiality: Settlement terms to be recorded in a VCAT consent order or deed; confidentiality to the extent permitted by law.

If accepted, these terms will constitute a full and final settlement of the issues raised to date. I will ask VCAT to issue a consent order or strike out the case with a right to apply for reinstatement to ensure enforceability.

Financial Breakdown

Rent reduction baseline: $30\% \times \$2,825 \times -4 \text{ months (16 Apr-14 Aug = 120 days)} = \$3,390.00$

VCAT fee paid: \$74.10

Post-order rolling abatement (from 15 Aug): $\$27.85/\text{day}$ until repair completion & handover

*Calculation: $(2,825 \times 12 \times 30\%) / 365 = \$27.85/\text{day}$.

Payment On acceptance, request my EFT details by emailing ck.chawakorn@gmail.com. Cheque or PayID is also acceptable.

- Acceptance Instructions**
- Email subject: ACCEPTED — Franklin 1803 Settlement
 - Body: "Accepted as proposed. Please provide EFT details."
 - Target transfer date: within 3 business days of acceptance.

This proposal is made on a commercial basis, without admission of liability by either party, and is without prejudice and subject to contract.

Reference: Attachment C — Johnson email, 9 Jul 2025.

I am keen to continue the tenancy on a positive footing.

Kind regards,

Chawakorn Kamnuansil Tenant — Unit 1803/243 Franklin St, Melbourne 3000 VCAT Case Ref: R202518589/00 Email: ck.chawakorn@gmail.com

- Attachments**
- VCAT Order (14 Aug 2025 – possession dismissed)
 - Notice to Vacate (11 Jul 2025)
 - Attachment C — Johnson email (9 Jul 2025)
 - MBOX archive of communications (mbox)

mbox



Johnson Tan <johnson.tan@areal.com.au>

to me, Areal, Cases@courts.vic.gov.au, bewty980219@gmail.com, Sylvia ▾

Hi Chawakom,

Good evening and hope you're both doing well.

I'm following up on my previous email regarding the compensation from

Please know that I'm here to assist and help explore the best possible

At the end of the day, our shared goal is to have the issue resolved as

I completely understand your concerns about staying in the property du

When FIXD inspected the property back in May, the initial estimate for

However, due to the delays, the condition might have been deteriorate

As I have not yet received a confirmed response from the OC regarding

1. Seek temporary accommodation during the works, and submit
2. Early lease termination without penalty. If you feel the property
3. If you would like to further escalate this, you can have the OC

Please let us know which option you would prefer, or if there's anything

Thank you again, and wishing you a pleasant evening.

Kind Regards,



Johnson Tan

Senior Relationship Manager - Cove

0420 846 041

johnson.tan@areal.com.au

03 9818 8991

33 Camberwell Road Hawthorn East VIC 3



Attachments:

Screenshot 2025-08-17 at 04.24.45.png	521 KB
order_194930558979.pdf (SECURED).pdf	73.0 KB
NOTICE TO VACATE U1803 243 FRANKLIN ST.pdf	17.2 KB
Notice to vacate - 1803:243 Franklin Street, Melbourne VIC 3000.pdf	105 KB