

RTC Determination Questions

1. If either party wants to appeal the RTC's decision, how long do they have to lodge the appeal? If Todd received the determination on 23 October 2017, what date must he lodge an appeal by?
Seven days from the date that they receive the determination. 31 October 2017.
2. Do you think the RTC's decision is fair? Why/why not?
3. What evidence and arguments could Todd have used to change the decisions made against him regarding the carpet cleaning and rent arrears?
Carpet cleaning: evidence that the stains were not caused by him eg correspondence between him and the RE notifying them of the stains and evidence of their cause.
Rent arrears: Evidence that the rent was paid, evidence that the tenancy was validly terminated by a Notice to Terminate, evidence that the tenancy was mutually terminated without penalty.
4. If MK Jooker appeal the determination, what does Todd need to do to prepare for court? What should he bring?
Needs to get his evidence together, including copies of all photos, receipts, correspondence and witnesses if able.
Needs to know the case inside out, be easily able to reference the evidence and answer the Magistrate's questions.
Needs to prepare questions to ask his witnesses and the other party's witnesses.
If he is going to ask a lawyer to help him, he needs to contact them ASAP.
5. Bond appeals are treated as Minor Civil Claims by the Magistrates Court. What does this change?
No rules of evidence, Magistrate takes on more inquisitorial role, restrictions on having legal counsel – Magistrates Court (Civil Division) Act