NCAT
NSW Civil &
Administrative Tribunal

July 2018

Renewal of proceedings application

CONSUMER AND COMMERCIAL DIVISION

Complete this form to apply for a renewal of proceedings under Schedule 4 clause 8 of the *Civil and Administrative Tribunal Act 2013.* Parties can apply to renew proceedings if a work order (to provide goods or services) is not complied with within the period specified by the Tribunal.

Do not use this form if:

- A tenant or resident has failed to comply with an order to give vacant possession. Lodge a separate warrant for possession request form available on www.ncat.nsw.gov.au. This warrant is enforced by the Sheriff's Office.
- A person has failed to comply with an order to pay money. Make a written request to the Tribunal for a certified copy of the money order. This order is enforced through the Local or District Courts.
- Orders made under the *Community Land Management Act 1989* have not been complied with. That legislation provides separate procedures for non-compliance.

File Number
Office use only

1. DETAILS OF DECISION

Provide details of the completed proceedings you want renewed. A renewal of proceedings must be applied for within the time specified in the original order. If no time was specified, the application must be lodged within 12 months after the work was to be completed.

NCAT File Number	MV 23/44832
Date of Order	23 October 2023

2. APPLICANT

A. APPLICANT'S DETAILS

Provide details of person or company applying for the renewal of proceedings. For multiple applicants attach details on a separate sheet.

Full name:	Ellen Kate Gallo			
Postal address:	[redacted]			
Contact details:	Daytime telephone	[redacted]	Mobile	[redacted]
	Email	[redacted]		

☑ **Do you want NCAT notices and correspondence emailed to you?**
By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

3. OTHER PARTY

A. WHO ARE YOU MAKING THE RENEWAL APPLICATION AGAINST?

A renewal of proceedings application can be made against one or all of the parties ordered to do work in the original order. Provide their name and their postal address below. For multiple parties attach details on separate sheet.

Full name: HOUMA HOLDINGS PTY LTD

Postal address: 170 Pacific Hwy WYONG 2259 NSW Australia

Contact details: Daytime telephone 02 4353 1122 Mobile

Email reception@brianhilton.com.au

4. ORDER DETAILS

A. WHICH ORDERS ARE YOU SEEKING TO RENEW?

A renewal can be made for one or all of the orders made in the original order. If the space below is insufficient you can attach additional information to this form.

1. By consent, the Tribunal orders that the respondent(s): HOUMA HOLDINGS PTY LTD [address redacted] is to carry out the following work on or before 31-Dec-2023 in a proper and workmanlike manner.
Details of Work order:
1. Replace and install the wiring harness of the radio at the respondent's cost

B. HOW HAVE THE ORDERS NOT BEEN COMPLIED WITH?

You must explain why you are asking for a renewal of proceedings by providing as much information as possible. If the space below is insufficient you can attach additional information to this form.

1. The vehicle has not been repaired by the ordered date of 31st December 2023
2. The wiring harness that was installed in December was faulty
3. The airbag light is now on, and the vehicle cannot be driven without airbags
4. The vehicle is sitting in the respondants lot waiting on yet another replacement part
5. I do not think they can repair this vehicle in a proper manner as ordered, it is clear that over the last 8 failed attemps it cannot be repaired in a proper manner, and it just keeps getting worse with everything that gets tried

C. WHAT ORDERS DO YOU WANT?

Tick the type of order required.

- [x] **Order for the payment of money** (please state the amount) $ 48,975.00
- [ ] **Order to rectify faulty goods or provide services**
- [ ] **Order to provide specified services**
- [ ] **Order that I do not have to pay** (please state the amount) $
- [ ] **Order to deliver goods**
- [ ] **Order to replace goods or services**
- [ ] **Order to return goods to me**
- [ ] **Other Orders** (please specify)

5. HEARING

A. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 4 weeks:

B. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

C. INTERPRETER

Do you need an interpreter for the hearing? ☐ Yes ☒ No

If yes, specify language and dialect:

6. APPLICATION CHECKLIST

☑ **I have attached all other documents relevant to this application**

Attach all documents that support your application for a renewal of proceedings. Attach details of multiple applicants or other parties if needed. Note: A copy of this application and any attachments will be sent to the respondent.

☑ **I have made a copy of this application for my own records**

Before lodging your application with NCAT you must make a copy of your application for your own records.

☑ **I have attached the application fee**

Refer to the fee schedule on the NCAT website. Credit card payments can be made by submitting a credit card authority form with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.

If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the fee waiver request form.

7. SIGNATURE

Applicant's signature or signature of representative.

Name Ellen Gallo

Signature

Date

Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Consumer and Commercial Division Registry locations visit the NCAT website. For all NCAT enquires telephone 1300 006 228 or visit www.ncat.nsw.gov.au.