

COURT OF APPEAL

**HOLMES JA
FRASER JA
PHILIPPIDES J**

**Appeal No 8958 of 2014
QCAT No 413 of 2014**

**SCOTT PEET
JESSICA PEET**

Applicants

v

RENTAL DOMAIN

First Respondent

SCOTT TURVEY

Second Respondent

BRISBANE

THURSDAY, 23 OCTOBER 2014

JUDGMENT

HOLMES JA: Mr and Mrs Peet have filed documents purporting to appeal a decision of the Queensland Civil and Administrative Tribunal. Section 149 of the *Queensland Civil and Administrative Tribunal Act 2009* permits an appeal in circumstances where the relevant Tribunal was not constituted by a judicial member, only by leave, only on a question of law, and only against a cost amount decision, which is to say, a decision fixing costs under s 107 of the Act.

The Peets' appearance in the Tribunal on 10 September 2014 was before an adjudicator who, not being the president, deputy president or a Judge, was not a judicial member. As far as can

be discerned from the transcript of what occurred when Mr and Mrs Peet appeared in the Tribunal, Rental Domain, the respondent, who are real estate agents, were seeking an unspecified order which would reflect their management of the property which the Peets were renting. The Peets maintained that they had an agreement that the landlord would deal with them direct and raised a number of complaints about the condition of the property. The adjudicator directed that they pay rent to the agent and indicated that they ought to provide a list of their maintenance problems to the agent.

Mr and Mrs Peet now seek a variety of orders in this Court, including a stay of an identified order made on 10 September 2014 and a number of other orders dealing with their occupation of the premises and the contract they assert they entered with the landlord. However, no cost amount decision is identified. No jurisdiction, consequently, exists for this Court to hear an appeal or an application for leave to appeal from them. The notice of appeal and application for orders should be struck out.

FRASER JA: I agree.

PHILIPPIDES J: I also agree.

HOLMES JA: The notice of appeal and application for orders are accordingly struck out, and that's the end of the matter, as far as this Court is concerned, Mr and Mrs Peet.

MR PEET: Okay.

HOLMES JA: Thank you.

MS PEET: Thank you.

HOLMES JA: We'll adjourn the Court.