

CITATION: *Webster v Department of Communities Housing and Homelessness Services* [2010] QCATA 122

PARTIES: Patricia Marilyn Webster
v
Department of Communities Housing and Homelessness Services

APPLICATION NUMBER: APL309-10

MATTER TYPE: Appeals

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: **Richard Oliver, Senior Member**

DELIVERED ON: **24 December 2010**

DELIVERED AT: Brisbane

ORDERS MADE: **Leave to appeal refused**

CATCHWORDS : Residential Tenancy Matter; appeal not prosecuted.
Queensland Civil and Administrative Tribunal Act 2009 142(3); 47

APPEARANCES and REPRESENTATION (if any):

This matter was heard on the papers, pursuant to section 32 of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

REASONS FOR DECISION

- [1] On 12 November 2010 Mrs Webster filed an application for leave to appeal and appeal presumably in respect of a decision of the Tribunal made on 23 June 2010. Leave is necessary¹. I say presumably because there is no detail in the application about the decision from which she is seeking leave to appeal, nor are there any grounds of appeal stipulated.

¹ QCAT Act section 147(3)

- [2] This alone would not be sufficient to dispose of the application because the QCAT Act exhorts the Tribunal to eschew formality and technicality and a failure of a party, who is not legally represented, to set out the relief sought with precision ought not be denied the right to be heard when the relief sought can be generally ascertained from the documents filed.²
- [3] It is also for that reason that directions are made for parties to file submissions so that the issues to be decided can be identified.
- [4] Despite the issue of Directions in this application the applicant has failed to comply on both occasions. Without that it is impossible to ascertain what this appeal is really concerned with or what relief is sought. The decision of the 23rd June 2010 was simply to allow the respondent to have access to the rented premises. The minor civil dispute the subject of the appeal has still not been finalised and most recently, on 17 December 2010 it was adjourned to 2 February 2011 for further consideration.
- [5] The applicant has failed to comply with the directions made. The application does not assist with identifying any decision that could be appealed from and no grounds of appeal are set forth. To proceed further with this application would be futile³ and therefore leave to appeal is refused.

² Ralacom Pty Ltd v Body Corporate for Paradise Island Apartments (2010) QCAT 334 @ para 10.

³ QCAT Act section 47