

# QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Russo v Harcourts Sunnybank* [2019] QCATA 84

PARTIES: **MELISSA RUSSO**  
(applicant)  
v  
**HARCOURTS SUNNYBANK**  
(respondent)

APPLICATION NO: APL296-18

ORIGINATING APPLICATION NO/S: MCDT170/15 Holland Park

MATTER TYPE: Appeals

DELIVERED ON: 6 June 2019

HEARING DATE: 5 June 2019

HEARD AT: Brisbane

DECISION OF: Dr J R Forbes, Member

ORDER: **1. The application for extension of time is dismissed.**

CATCHWORDS: APPEAL – LEAVE TO APPEAL – PROCEDURE – TIME, EXTENSION AND ABRIDGMENT – MINOR CIVIL DISPUTE - where two years delay in filing application for leave to appeal - whether grounds to extend time – where extension refused

*Queensland Civil and Administrative Tribunal Act 2009*  
(Qld) ss 32, 61

*Russo v Prince Realty* APL295 of 2016.

APPEARANCES & REPRESENTATION: This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

## **REASONS FOR DECISION**

- [1] This ruling is to read with the reasons for decision in *Russo v Prince Realty* APL 295 of 2018. Those reasons apply *mutatis mutandis* to the present application for extension of time in APL 296 of 2018, namely *Russo v Harcourts Sunnybank*.
- [2] Both APL 295 of 2018 and APL 296 of 2018 relate to residential premises at Mains Road, McGregor, leased by the applicant Russo in June 2015.
- [3] On 22 October 2015 the tribunal awarded the respondent Harcourts Sunnybank the sum of \$12,371.66 for arrears of rent of those premises.
- [4] On 8 November 2018 Russo filed an application for leave to appeal against the said award, and on the same day filed an application for extension of time to appeal, in reliance on section 61 of the QCAT Act.
- [5] The delay involved is inordinate, exceeding three years; it is even longer than the delay considered in APL 295 of 2018.
- [6] For the reasons given in the latter case the application for extension of time must be dismissed.

## **ORDER**

The application for extension of time is dismissed.