

Preparing for Court

It is important for you to be prepared to proceed at your first hearing. A Magistrate will not adjourn (delay) a matter to a later date merely because you are not prepared. The Magistrate may grant you an adjournment if it is for a reason out of your control.

TO PREPARE FOR THE HEARING, YOU SHOULD:

- Make a timeline of events that occurred throughout the tenancy.
- Prepare a file with all of your relevant documents (see examples below).
- Photocopy any letters or documents that you want the court to see. You will need three copies of each document you wish to give as evidence (one for yourself, one for the Court and one for the other party).
- Put the documents in a chronological order and make them easy for you to access quickly.
- If you are responding to an application (e.g. lessor is claiming money from the bond that you do not agree with) prepare a statement on each item that is being claimed and include whether or not you agree and provide reasons why. You can also refer to your own documents here.
- Prepare a short statement on each document or piece of evidence – include why you think this evidence is relevant and what it proves or disproves.
- If you have witnesses that you intend to call – you can tell them what questions you will be asking at the hearing. Also, you may want to think of any questions that the Magistrate or other party may ask the witness.

*In the
**Residential
Tenancies Act**
the **landlord** is
referred to as
the **lessor**.*

RELEVANT DOCUMENTS

The relevant documents will differ depending on the application, but may include:

- A copy of your tenancy agreement;
- Breach notices;
- Termination notices;
- Notices or letters from the court;
- Photographs;
- Your ingoing and outgoing property condition reports;
- Reports from routine inspections;

- Receipts or bank statements that show any rent payments;
- A copy of your tenant (rent) ledger;
- Correspondence between you and the lessor (emails, text messages, notes of conversations you have had);
- Medical letters or health reports (e.g. where there are mould issues in the property);
- Support letters from friends or family;
- Support letters from services you are engaged with (e.g. drug and alcohol counselling, family services or counselling, financial counsellors); and
- Quotes or invoices for any work that needs to be completed. If the lessor is alleging that you need to repair or replace any items, it is a good idea to get your own quotes so you know what costs are reasonable.

If the lessor has not provided you with some of these documents, you should request copies before court, or at the first court hearing. In a minor case application, the court is not bound by formal rules of evidence. The Magistrate can accept any evidence that they believe is relevant and decide what weight, if any, to give that evidence.

WITNESSES

If you have any witnesses who can give relevant evidence, you can also ask them to attend court to support your case. If you intend to call witnesses make sure they can attend on the date and provide them with the date, time, and location of the hearing.

It is a good idea to meet with your witness before the first hearing to confirm why they are being called and what questions you will be asking. Witnesses are not allowed to sit in on the hearing and will need to wait outside the court room until they are called.

You can summons a witness to attend court – this is highly recommended for any crucial witness, because it is usually possible to obtain an adjournment if a summonsed witness does not attend (on the other hand, the court is unlikely to grant an adjournment if a witness who has not been summonsed fails to turn up).

If you need to summons a witness to attend court, you should contact [Circle Green Community Legal](#) or your local tenant advocate for advice.

This fact sheet is current as at 1 July 2022.

Disclaimer

This fact sheet only contains general information. This fact sheet is not legal advice and should not be relied on as a substitute for legal advice. You may wish to seek advice from a lawyer regarding your own particular circumstances. We are not responsible for any consequences arising from your use of, or reliance on, the information contained in this fact sheet.

Further information about our disclaimer and your use of this fact sheet can be found here: www.circlegreen.org.au/disclaimer/

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FURTHER HELP – TENANTS’ ADVICE AND ADVOCACY

Circle Green Community Legal

(08) 6148 3636

www.circlegreen.org.au

Department of Mines, Industry Regulation and Safety

www.dmirs.wa.gov.au, **Consumer Protection** for consumer and tenancy related matters
commerce.wa.gov.au/consumer-protection | 1300 304 054

METROPOLITAN COMMUNITY LEGAL CENTRES

Fremantle CLC

(08) 9432 9790

www.fremantle.wa.gov.au/fclc

Gosnells CLC

(08) 9398 1455

www.gosclc.com.au

Midland Information Debt & Legal Advocacy Service

(08) 9250 2123

www.midlas.org.au

Northern Suburbs CLC (Joondalup)

(08) 9301 4413

www.nsclegal.org.au

Northern Suburbs CLC (Mirrabooka)

(08) 9440 1663

www.nsclegal.org.au

Southern Communities Advocacy & Legal Education Services (SCALES)

(08) 9550 0400

murdoch.edu.au/School-of-Law/Clinical-Legal-Education-SCALES

Sussex Street CLS

(08) 6253 9500

www.sscls.asn.au

Welfare Rights & Advocacy Service

(08) 9328 1751

www.wraswa.org.au

REGIONAL COMMUNITY LEGAL CENTRES

Albany CLC

(08) 9842 8566

www.albanyclc.com.au

Goldfields CLC

(08) 9021 1888 | 1300 139 188 (if outside Kalgoorlie-Boulder)

www.gclc.com.au

Kimberley Community Legal Services :

www.kcls.org.au

- **Kununurra**
(08) 9169 3100 | 1800 686 020 (freecall)
- **Broome**
(08) 9192 5177

Peel CLS

(08) 9581 4511

www.peelcls.com.au

Pilbara Community Legal Services:

www.pcls.net.au

- **Karratha**
(08) 9185 5899
- **Newman**
(08) 9140 1613
- **Roebourne**
(08) 9185 5899
- **South Hedland**
(08) 9140 1613

Regional Alliance West

(08) 9938 0600

www.raw.org.au

South West CLC

(08) 9791 3206 | 1800 999 727 (freecall)

www.swclc.org.au

Wheatbelt CLC

(08) 9622 5200

www.wheatbeltclc.com.au