

AUSTRALIAN - CASES

QCAT Application: APL305-23

Appellant: Gordon James Craven

**Respondents: Saurav Kataria
Ashleigh Kataria
S.N.A. Group Pty Ltd**

FOR THE ATTENTION OF: Member Lember

The Appellant submits the following Case Citations relating to when Australian Consumer Law (ACL) has been applied or considered in Residential Tenancy Disputes in Australia.

- *Burch v Tucker (Residential Tenancies)* [2018] VCAT 292 (28 February 2018) at 41:
...it is generally accepted that a landlord is acting in trade or commerce when providing residential accommodation for lease. Accordingly, it is also accepted that the provisions of the ACL apply to residential tenancy arrangements generally, and more specifically that section 21 of the ACL prohibits a landlord, who is acting in trade or commerce, from engaging in conduct that is unconscionable when supplying accommodation services (see Spilkin v Rosenberg [2011] VCAT 942).
- *Spilkin v Rosenberg (Residential Tenancies)* [2011] VCAT 942 (20 May 2011).
- *Boyce v Gao (Residential Tenancies)* [2020] VCAT 1404 (21 December 2020).
- *Martini v Sidambarom (Residential Tenancies)* [2017] VCAT 317 (1 March 2017).
- *McBurnie v Boctor* [2021] QCAT 349 (27 October 2021) at [15].
(Tribunal had ACL jurisdiction, but not for the respondent because he was a dentist and not a trader).

SIGNED :



Gordon Craven - Appellant

DATE : 28 January 2024

Lodged with the Tribunal by email on 29 January 2024.

Served on First Respondents: saurav.kataria@airservicesaustralia.com
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