

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
CIVIL DIVISION**

OWNERS CORPORATIONS LIST

VCAT Reference: OC2477/2017

APPLICANTS: Joanne Dean, Keith Chidlow

FIRST RESPONDENT: Owners Corporation PS326519P

SECOND RESPONDENT: Pharaohs Services Pty Ltd ACN: 109 647 476 t/as (Quest Coaches)

WHERE HELD: 55 King Street, Melbourne

BEFORE: Member L. Rowland

HEARING TYPE: Hearing

DATE OF HEARING: 25 July 2018

DATE OF ORDER: 25 July 2018

FINDINGS

The Tribunal notes:

1. The Owners Corporation and second respondent are parties to a Charter Bus Service Agreement made 31 March 2017.
2. It is not clear on the face of the Charter Bus Service Agreement whether the agreement can be terminated with effect from 18 April 2019 or 18 April 2020.
3. The applicants and Owners Corporation agree that a notice to terminate the agreement should be served with effect from 18 April 2019, if it is possible to do so, in the event that the Owners Corporation is unable to achieve a special resolution of lot owners to continue the bus service by 31 October 2018. Any notice to terminate should be served by 30 November 2018.

ORDERS

The Tribunal orders:

1. The proceeding is struck out with a right of re-instatement.
2. The parties, including the second respondent, have liberty to apply generally including for a determination as to whether the contract can be terminated with effect from 18 April 2019 or 18 April 2020.
3. With the consent of all parties, the Tribunal will list the proceeding for a compulsory conference if requested to do so.

4. The first respondent must pay the applicants' costs fixed in the sum of \$1,012.70 (including reimbursement of \$412.70 Tribunal fees).
5. The registrar is directed to include the following email address for service for the second respondent: hany@questcoaches.com.au



MEMBER L. ROWLAND



APPEARANCES:

For the Applicant:	Mr Barrington of counsel
For the First Respondent:	Mr Jones of counsel
For the Second Respondent:	No appearance