

## APPEAL TRIBUNAL DECISION AND DIRECTIONS

**Case Number:** APL116-22

**Applicant:** David James Barker

**Respondent:** Department of Communities, Housing and Digital Economy

**Before:** Senior Member Howard

**Date:** 12 May 2022

**Proceeding Type:** On-Papers Hearing

**Initiating Document:** Application to stay a decision filed 9 May 2022  
Application for leave to appeal or appeal filed 9 May 2022

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IT IS THE DECISION OF THE APPEAL TRIBUNAL THAT

1. An interim order is made suspending the operation of the warrant of possession issued in MCDT 693/22 pending determination of the application to stay a decision.

THE APPEAL TRIBUNAL DIRECTS THAT:

### SERVICE

1. David James Barker must establish that the application for leave to appeal or appeal and the application to stay a decision has been given Department of Communities, Housing and Digital Economy in compliance with Rule 96 by filing an Affidavit of Service or a form of acknowledgement from each other party, by:

**4:00pm on 16 May 2022.**

### APPLICATION TO STAY A DECISION

2. David James Barker must file in the Tribunal one (1) copy and give to Department of Communities, Housing and Digital Economy one (1) copy of his written submissions in support of the application to stay a decision, by:

**4:00pm on 16 May 2022.**

3. Department of Communities, Housing and Digital Economy must file in the Tribunal one (1) copy and give to David James Barker one (1) copy of any written submissions in response to the application to stay a decision, by:

**4:00pm on 20 May 2022.**

4. Whether or not direction 2 and 3 are complied with, the application to stay a decision will be determined on the papers by written submissions from the parties; and without an oral hearing, not before:

**4:00pm on 20 May 2022.**

## **APPLICATION FOR LEAVE TO APPEAL OR APPEAL**

5. Further directions will issue in relation to the application for leave to appeal or appeal following determination of the application to stay a decision.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. Overlaid on the seal is a handwritten signature in dark ink.

**Senior Member Howard**  
**Queensland Civil and Administrative Tribunal**