**TEMPLATE A – Commission dismissed the application**

Insert matter details

Dear insert

We refer to the above application which was dismissed on insert date (**Dismissed Application**).

1. This letter sets out your options, following recent judicial action which provides that the Commission can determine the dispute which was the subject of the Dismissed Application.
2. Your options are affected by whether you have filed an application with the District Court to allow you to commence proceedings in that court to determine the Dismissed Application (**Substituted Proceedings Application**).

**Options if you did *not* file a** **Substituted Proceedings Application**

1. If you want the Commission to determine the dispute which was the subject of the Dismissed Application, you can:
   1. Advise the Commission that you want it to treat the Dismissed Application as a fresh application and apply the original filing date to it; or
   2. file a fresh application with the Commission.

**Options if you *filed* a** **Substituted Proceedings Application and it has not been determined**

1. If you filed a Substituted Proceedings Application and it has **not** been determined, you can withdraw or maintain it.
2. If you withdraw the Substituted Proceedings Application, you can:
   1. Advise the Commission that you want to treat the Dismissed Application as a fresh application and apply the original filing date to it; or
   2. file a fresh application with the Commission.
3. If you maintain the Substituted Proceedings Application, that will remain the position unless and until the District Court rejects it or remits the dispute to the Commission – if that happens, you can adopt any of the options in paragraph 5 above.

**Options if you filed a** **Substituted Proceedings Application that has been accepted**

1. If your Substituted Proceedings Application was accepted by the District Court, you can either:
2. Ask the District Court to remit the dispute to the Commission for determination and, if the order is made the Commission will treat the Dismissed Application as a fresh application and apply the original filing date to the ‘fresh application’.
3. Maintain the District Court proceedings unless and until the District Court indicates that it will remit the matter to the Commission – if a remission order is made the Commission will take the steps set out in para 7 a above.

**Insert signature**