

Thursday, 5 February 2026

Public housing residents safe from eviction for now

The Victorian Court of Appeal has today issued an injunction restraining Homes Victoria from moving to evict several dozen households still living in public housing towers in North Melbourne and Flemington until the High Court can consider an application for special leave to appeal.

Inner Melbourne Community Legal acting on behalf of lead plaintiff Jason Mallard sought the injunction to prevent Homes Victoria from evicting any remaining residents until the appeal can be heard in their class action challenging the demolition of their homes.

The application for special leave to appeal will be filed with the High Court next week.

The injunction granted by the Court of Appeal restrains Homes Victoria from serving on the remaining tenants in the three buildings any notices to vacate on the basis of demolition until the appeal has been dealt with by the High Court.

The Court of Appeal said the High Court case was a matter of public importance and residents should have security of tenure until it had been heard.

There are about 32 households are still living in the towers who have declined offers to relocate. Lawyers for Homes Victoria confirmed in court today that it had been preparing to begin delivering eviction notices later this month.

Comments attributable to Louisa Bassini, Managing Lawyer – Housing and Tenancy, Inner Melbourne Community Legal:

“The decision today means that Homes Victoria is restrained from issuing any notices to vacate to the residents of these three towers until the High Court hears the application for special leave challenging the decision to demolish the towers.

“It means that residents can stay in their homes and see this process through and make sure the courts have had the opportunity to consider the lawfulness of it and whether their human rights were properly considered.

“It could be a matter of months before any special leave application is decided, but our clients will be happy that they are not forced to leave right now and they can wait and see what the outcome is.

“Those households have rejected offers to relocate because they want to stay in their homes and neighbourhoods where they feel connected to their community and to essential services, including health care and public transport.

“Homes Victoria should hold off any further public housing demolition and redevelopment plans until these legal matters are resolved.”

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