

Tenant tossed out: so was the chandelier

Mathew Dunckley

A gigantic hand-made chandelier that had hung at Melbourne's historic Palais Theatre for 80 years was fair game for a tenant to take when the Victorian government threw them out of the heritage-listed building, a court has found.

The Victorian Civil and Administrative Tribunal (VCAT) ruled the tenant, a company called Tymbook, was entitled to remove the 138-candle, one-tonne chandelier when it was evicted from the Palais.

The state government spent 2½ years battling to dislodge Tymbook from the Palais, which sits on crown land, as part of the controversial \$300 million St Kilda Triangle development.

Tymbook successfully argued it was entitled to remove the chandelier, and more than 30 other light fittings and candelabras, because they were chattels, which belong to a tenant, and not fixtures, which belong to the landlord. It also demanded, and won, the right to return to the Palais and remove pieces it had left behind.

The VCAT decision is believed to have incensed the government. Through Heritage Victoria, it has slapped interim preservation orders over the objects, which are known as the Bedford Lights after their designer.

The orders cut across VCAT's ruling because it means Tymbook

cannot take the objects from storage at a Laverton warehouse without Heritage Victoria's permission.

Tymbook spokesman David Armstrong said the lights were specifically mentioned as chattels in Tymbook's contract to take over the Palais about 20 years ago.

He refused to nominate their exact value but said it would be "millions of dollars", and said Tymbook's actions were merely enforcing its rights against wrongful government action.

"It is just an absolute abuse to put some little person through this who is just trying to protect what is theirs, that they have paid for," he said.

"This should have been dealt with commercially, not litigiously."

Mr Armstrong said Tymbook director Carolyn Harper had made no decision about the future use of the chandeliers and it was unreasonable to suggest she should simply hand them over.

"It is unconscionable the way they [the government] have dealt . . . and for them to now expect the public to be angry at her for not gifting its assets to the state makes a nonsense of the way they have treated her," he said.

Citta Property Group, which won development rights over the Triangle site and now operates the Palais, was not a party to the hearings but said the result was disappointing.



Property starts page 62 ■ The Palais chandelier, which the tenant took away, quite legally.