

# Strata schemes

The following information explains how to apply to the NSW Civil and Administrative Tribunal (NCAT) to resolve a strata schemes dispute.

## Mediation before lodgement

Mediation is compulsory for most strata scheme disputes before lodging an application with NCAT.

A mediation service is provided by NSW Fair Trading. There is no charge for the service.

Applications in which mediation is compulsory that are lodged without evidence of attempted mediation will not be accepted.

If you are unsure whether you need to mediate your dispute, check the orders table in this fact sheet. For more information on resolving strata disputes or complaints visit [www.nsw.gov.au](http://www.nsw.gov.au).

## Applying to NCAT

To apply to NCAT complete the [Strata and community schemes application form](#) and lodge it with the appropriate fee. Specify the section of the *Strata Schemes Management Act 2015* and the orders you want NCAT to make. You can request more than one order.

### Interim order applications

An interim order application may be lodged to stop the actions of a party or to preserve the current state until the substantive application is decided. The Tribunal can only make an interim order if urgent considerations warrant the making of the order.

There must be a separate but related substantive application, either already lodged or lodged at the same time as the interim order application. There is a filing fee for the interim order application.

### Are other lot owners affected?

The owners corporation is required to serve all lot owners with an application lodged in the Tribunal. If other lot owners are affected by the orders sought they can apply to be joined as parties to the proceedings.

## Who is an interested or connected person?

The *Strata Schemes Management Act 2015* defines interested person in section 226 and connected person in Section 7.

## What happens next?

After applying to NCAT your matter will be listed for conciliation and hearing or a directions hearing, depending on the orders you are seeking.

You and the other parties will receive a notice of hearing from NCAT specifying the day, time and venue of your hearing. Generally the first listing will be within 4-6 weeks.

The application will be served by the owners corporation on all other lot owners. Do not include any confidential information you do not want disclosed.

### Conciliation and hearing

Matters listed for conciliation and hearing are heard with a number of other matters in a 'group list'. Parties will be asked to attempt conciliation to reach an agreement before the hearing takes place.

### Directions hearing

Directions hearings are used for more complex strata matters. They are used to identify the issues in dispute, set a timeframe for the final hearing, and to arrange for the exchange of evidence between parties.

### Evidence and supporting materials

If your matter is not resolved at the first listing it will be listed for a contested hearing. NCAT will make a timetable for the parties to provide their written evidence to each other and to the Tribunal. You do not need to lodge all evidence with the application.



## Can someone represent me?

NCAT Consumer and Commercial Division hearings are conducted as informally as possible. Parties are encouraged to present their own case.

If you want to be represented, send your written request to NCAT. Either at or before the first hearing a Tribunal Member will decide if you can be represented.

## For information and assistance

### NSW Government website

**Website:** [www.nsw.gov.au](http://www.nsw.gov.au)

For information on resolving strata disputes and complaints visit [nsw.gov.au](http://nsw.gov.au) and search 'strata'.

### NCAT Getting Help

A list of services in NSW that provide free or low-cost legal information, advice and assistance can be found on the NCAT website [Get Legal Help and Advice](#) or in the Getting Help fact sheet.

### LawAccess NSW

**Phone:** 1300 888 529

**Website:** [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

For free legal information and referrals to other services that provide legal advice and assistance.

### NCAT Consumer and Commercial Division

**Phone:** 1300 006 228

**Website:** [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

For information and assistance about processes or procedures **after** lodging the NCAT Strata Schemes Application.

## ORDERS under the Strata Schemes Management Act 2015

You can apply to NCAT for orders under the *Strata Schemes Management Act 2015*. The orders below are a guide only. Refer to the relevant sections of the Act for more detailed information.

For orders requiring mediation before applying to NCAT, you must [attempt mediation](#) with NSW Fair Trading before applying to NCAT. For general information visit [nsw.gov.au](http://nsw.gov.au) and search 'strata'.

### Meetings and decisions of owners corporation

Section	Orders	Information required	Mediation
17	To require original owner to provide things to owners corporation <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Provide details of the things not provided to the owners corporation that the developer was required to provide under section 16 of the Act</li> </ul>	Yes
20	To require meeting to be held <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owner</li> <li>• Owners corporation</li> <li>• Mortgagee</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Provide details about the failure to hold a meeting</li> <li>• Provide details of the person who has consented to convening the meeting</li> </ul>	Yes
24	To invalidate resolution or election of the owners corporation <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owner</li> <li>• First mortgagee of lot</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Describe what resolutions you want invalidated and why</li> <li>• Describe why an election should be invalidated</li> <li>• Evidence includes copies of relevant minutes</li> </ul>	Yes
25	To nullify resolution of owners corporation on ground that person was denied vote or notice was not given <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Person entitled to vote on resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Describe the circumstances which led to you being improperly denied a vote on the motion, or not being given due notice of the item of business and your entitlement to vote for or against the motion</li> <li>• Evidence includes copies of the resolution you want nullified and copies of minutes of meetings</li> </ul>	Yes
48	To require meeting to be held if no officers or strata committee after first AGM <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owner</li> <li>• Mortgagee</li> <li>• Covenant chargee</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Provide details about the failure to hold a meeting</li> <li>• Provide details of the person who has consented to convening the meeting</li> </ul>	Yes

### Covenants and other restrictions

Section	Orders	Information required	Mediation
27	To waive, vary or extinguish restriction relating to initial period or to authorise any matter to be done in relation to the waiving, varying or extinguishing of such a restriction <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Original owner</li> <li>• Owner</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence includes: <ul style="list-style-type: none"> <li>– Copy of the plan of subdivision</li> <li>– Where appropriate evidence that the applicant is the original owner</li> <li>– Name and address of each lot owner</li> <li>– Name and address of any registered mortgagee, enrolled mortgagee and/or covenant chargee</li> </ul> </li> </ul>	No

Section	Orders	Information required	Mediation
234	To comply with an obligation imposed by a positive covenant <b>Who can apply?</b> <ul style="list-style-type: none"> <li>An authority having benefit of positive covenant</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Describe what positive covenant applies and how the owners corporation has failed to comply with the obligations.</li> <li>State if you have been refused an injunction under section 88H <i>Conveyancing Act 1919</i></li> </ul>	Yes
235(1)	To refrain from breaching a restriction on the use of a utility lot <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Lessor of leasehold strata scheme</li> <li>Owner</li> <li>Occupier of lot</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Attach a copy of the relevant restriction</li> <li>Give details of the restriction imposed on the use of the lot</li> <li>Describe how the restriction has been breached</li> </ul>	Yes
235(2)	To refrain from breaching a restriction of the use of a utility lot within the area of a local council <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Relevant local council</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Attach a copy of the relevant restriction</li> <li>Give details of the restriction imposed on the use of the lot</li> <li>Describe how the restriction has been breached</li> </ul>	Yes

### Strata managing agents and building managers

Section	Orders	Information required	Mediation
72	To terminate strata managing agent or building manager agreement or make an order about an agreement <b>Who can apply?</b> Owners corporation	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence include detailed information about why the termination of the agreement is sought</li> </ul>	Yes
237	To appoint a compulsory strata managing agent <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Person who obtained order under this Act that imposed duty on owners corporation or office holder that has not been complied with</li> <li>Person having estate or interest in lot or, in case of leasehold strata scheme, lease of lot</li> <li>Authority having benefit of positive covenant that imposes duty on owners corporation</li> <li>Judgment creditor to whom owners corporation owes judgment debt</li> </ul>	<ul style="list-style-type: none"> <li>Describe how the management structure is not functioning satisfactorily</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Provide evidence of the owners corporation's failure to comply with an NCAT order or failure to perform one or more of its duties</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Provide evidence of the owners corporation's judgment debt</li> <li>What functions do you want the agent to have and exercise?</li> <li>Attach written consent from a managing agent listing their terms, conditions, fee and licence under the <i>Property Stock Agents Act 2002</i></li> </ul>	No

### Contributions and funds

Section	Orders	Information required	Mediation
77	To allocate payment of surplus money <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Covenant chargee</li> <li>Owner</li> <li>Mortgagee</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes copies of relevant minutes and the strata plan</li> </ul>	Yes

Section	Orders	Information required	Mediation
82	To alter amount of contributions if the use of a lot causes a strata scheme's insurance premium to be greater than it would be if the lot were not put to that use and the lot's owner has refused to pay the extra amount of the premium  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Lessor of leasehold strata scheme</li> <li>• Owner</li> <li>• Mortgagee in possession</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Provide details of the use of the lot and the insurance premium</li> <li>• Describe why the lot owner's refusal to pay the extra amount of the insurance premium is unreasonable</li> </ul>	Yes
85	To prevent owners corporation charging interest for late payment of contribution  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owner</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation, copies</li> <li>• Describe why the owners corporation should reasonably have determined not to charge interest</li> <li>• Evidence includes copies of levy notices and details of interest</li> </ul>	Yes
86	To recover unpaid contributions and interest  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Note:</b> You cannot apply under this section about unpaid levies unless other orders under the Act are also sought</li> <li>• Evidence includes copies of levy notices, details of interest and reasonable expenses</li> </ul>	No
87	To alter amount of contributions, or manner of payment of contributions  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Lessor of leasehold strata scheme</li> <li>• Owner</li> <li>• Mortgagee in possession</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Describe why the levy should be a different amount and what the amount should be</li> <li>• Provide the date the levy was decided and the last day for payment</li> <li>• Describe how the levy should be paid (you should provide sufficient details to enable an understanding of your budgets and levies)</li> <li>• Evidence includes the estimates and minutes of meetings where the levy was decided</li> </ul>	Yes
89	To require original owner to compensate for inadequate estimates/contributions  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Owner</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• <b>Time limit:</b> Application must be made no later than 3 years after the end of the initial period</li> </ul>	Yes
90	To pay contributions for legal costs awarded in proceedings between owners or owners corporation  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Owner</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> </ul>	Yes

## Property

Section	Orders	Information required	Mediation
124	To require occupier of a lot to allow owners corporation to enter the lot  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Note:</b> Entry must be required to do work that the owners corporation is obliged to carry out, to see if such work is necessary, or to carry out inspections in accordance with the Act.</li> <li>• Describe why entry to the lot is required</li> </ul>	No

Section	Orders	Information required	Mediation
		<p>and if consent has been refused</p> <ul style="list-style-type: none"> <li>Evidence includes a copy of minutes of relevant meetings or correspondence requesting entry to the lot and any other relevant correspondence</li> </ul>	
126	<p>To get consent to existing or proposed alterations or repair of common property</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owners</li> <li>Lessor of leasehold strata scheme</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Describe alterations or repairs that have been unreasonably refused</li> <li>Give the date you asked for the approval and the date the owners corporation refused your proposal</li> <li>Evidence includes any relevant registered by-laws, copy of the minutes of the meeting, copy of your request, and owner's corporation's refusal</li> </ul>	Yes
127	<p>To declare work to be cosmetic work or minor renovation</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owner</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Describe work to be done including quotes</li> </ul>	Yes
128	<p>To direct owner to lodge documents under section 19 of the <i>Strata Schemes Development Act 2015</i></p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Owner</li> <li>Lessor of leasehold strata scheme</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Describe the documents (plan and certificate) and how the owner failed to comply with section 19 <i>Strata Schemes Development Act 2015</i></li> </ul>	Yes
129(1)	<p>To require the owners corporation to carry out window safety device function</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Interested person (other than owners corporation)</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes photos and quotes</li> </ul>	Yes
129(3)	<p>To require owner to comply with window safety device legislation</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owners corporation</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes photos and quotes</li> </ul>	Yes
130(1)	<p>To require owners corporation to sell/dispose of personal property or to prevent owners corporation acquiring personal property</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owner</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Describe what and why the property of owners corporation should be sold or disposed of</li> <li>Give the date the property was bought and the cost</li> <li>Provide details of any resolution made</li> <li>Evidence includes any relevant registered by-laws, copy of the minutes of the meeting, copy of your request, and the owners corporation's response</li> </ul>	Yes
130(2)	<p>To require owners corporation to acquire personal property</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owner</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Describe why the owners corporation should acquire the personal property</li> <li>Give details of any resolution made and the cost of the property.</li> <li>Evidence includes a copy of your request</li> </ul>	Yes

Section	Orders	Information required	Mediation
		and the owners corporation's response	
131	To use specified common property for specified purposes <b>Who can apply?</b> • Owner	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Describe what part of common property is involved and why you require use of it</li> <li>• Evidence includes a copy of your request and the owners corporation's response</li> </ul>	Yes
132	To require owner or occupier to repair damage or compensate for damage <b>Who can apply?</b> • Owners corporation	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Evidence includes (photos, strata minutes, quotes) of the damage and costs to repair</li> </ul>	Yes
236	To reallocate unit entitlements <b>Who can apply?</b> • Owners corporation • Lessor of leasehold strata scheme • Owner of lot (whether or not a development lot) • Local council	<ul style="list-style-type: none"> <li>• <b>Note:</b> Any ancillary orders under this section should be sought at the time of making an application</li> <li>• Detail how and why you want the unit entitlements reallocated. If the strata plan is subdivided give lot number affected and all strata plan numbers</li> <li>• Evidence includes: <ul style="list-style-type: none"> <li>– A valuation certificate from a qualified valuer giving the value of each of the lots at the time the strata scheme was registered or immediately after the change in permitted land use</li> <li>– A copy of the certificate of title or a copy of the registered strata plan that shows the present unit entitlements</li> </ul> </li> </ul> <p><b>Note:</b> The certificate must be given by a person who is a qualified valuer within the meaning of the <i>Strata Schemes Development Act 2015</i></p>	No

## By-laws

Section	Orders	Information required	Mediation
148	To revoke amendment to by-laws, revive repealed by-law, or repeal new by-law <b>Who can apply?</b> • Person entitled to vote on motion relating to new by-law • Lessor of leasehold strata scheme	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Evidence includes a copy of relevant minutes, meetings, correspondence requesting change to by-law</li> </ul>	Yes
149	To change by-law conferring exclusive rights or privileges over common property <b>Who can apply?</b> • Owner • Owners corporation • Lessor of leasehold strata scheme • Interested person	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• <b>If Owner:</b> Provide details of your request to the owners corporation to make exclusive use of the by-law; the response from the owners corporation; minutes of the meeting where the motion was lost; why the refusal was unreasonable</li> <li>• <b>If Owners Corporation:</b> Provide details of your request to an owner/lessor of a leasehold strata scheme to consent to a proposed by-law or proposed changes to repeal of a by-law, their response, and why the refusal to consent is unreasonable</li> <li>• <b>If Interested Person:</b> Provide details of what is unjust in the by-law about the maintenance or upkeep of any common</li> </ul>	Yes



Section	Orders	Information required	Mediation
		property <ul style="list-style-type: none"> <li>Evidence includes a copy of the strata plan, minutes of meetings, documents in support of request for by-law/ repeal/ amendment, owner's lessor's consent to making of the by-law</li> </ul>	
150	To invalidate a by-law because the owners corporation did not have power to make it or that a by-law is harsh, unconscionable or oppressive <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Person entitled to vote on motion relating to the by-law</li> <li>Lessor of leasehold strata scheme</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Does the by-law conflict with the legislation? If yes, describe how</li> </ul>	Yes

## Keeping of animals

Section	Orders	Information required	Mediation
156	To require the removal of an animal kept not permitted under the by-laws <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Interested person</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes:               <ul style="list-style-type: none"> <li>Details of the owners corporation's resolution for removal of the animal (if this has happened) and whether the person keeping the animal was told about the resolution</li> <li>A copy of any registered by-law</li> </ul> </li> </ul>	Yes
157	To allow person to keep animal on the lot <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owner</li> <li>Occupier (with consent of owner)</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes:               <ul style="list-style-type: none"> <li>A copy of your request to the owners corporation</li> <li>Any other documents provided to the owners corporation and</li> <li>Any minutes of a meeting/correspondence where the owners corporation refused to approve keeping the animal</li> </ul> </li> </ul>	Yes
158	To stop a nuisance, hazard or unreasonable interference caused by an animal <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Interested person</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes:               <ul style="list-style-type: none"> <li>Details of the owners corporation's resolution approving keeping of the animal</li> <li>A statement about how the animal is causing a nuisance, danger or interference with the use and enjoyment of another lot or common property</li> <li>Copies of any registered by-law about keeping animals and relevant minutes of owners corporation meetings</li> </ul> </li> </ul>	Yes

## Insurance

Section	Orders	Information required	Mediation
162	To adjust proportion of insurance premium to be paid <p><b>Who can apply?</b></p>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> </ul>	Yes



Section	Orders	Information required	Mediation
	<ul style="list-style-type: none"> <li>Person liable to pay premium</li> </ul>		
172	<p>To exempt from requirement to insure</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Person required to insure</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Evidence includes copies of any minutes and correspondence including evidence of unanimous resolution</li> </ul>	Yes
174	<p>To require person to make or pursue insurance claim</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owner</li> <li>Lessor of a leasehold strata scheme</li> <li>Sublessee in a leasehold strata scheme</li> <li>Person in whom is vested an estate in fee simple or a leasehold estate (in case where part of building is included in part strata parcel) of part of building not included in part strata parcel</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> </ul>	Yes
175	<p>To require insurance to be taken out</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owner</li> <li>Enrolled mortgagee or person having interest in lot</li> <li>Lessor of leasehold strata scheme</li> <li>Sublessee of common property in a leasehold strata scheme</li> <li>Person in whom is vested an estate in fee simple or a leasehold estate (in case where part of building is included in part strata parcel) of part of building not included in part strata parcel</li> <li>Authority having benefit of a positive covenant affecting building site</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li><b>Note:</b> This section is about an order to take out insurance for a specified amount or the proportions in which the premiums should be paid.</li> <li>Specify by whom the insurance is to be taken out or varied</li> <li>If the building concerned contains a stratum parcel, specify the proportion in which the premium is to be paid</li> <li>Evidence includes copies of any relevant policies, minutes and correspondence</li> </ul>	Yes

### Records of owners corporation

Section	Orders	Information required	Mediation
187	<p>To require the owners corporation to enter information contained in a strata interest notice in the strata roll if a person fails to provide the required written confirmation of the notice</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Owner</li> <li>Other person having or acquiring an estate or interest in a lot</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of attempted mediation</li> <li>Provide details of information you want on the strata roll</li> <li>Evidence includes copies of any request for confirmation of the notice made by the Secretary and any reply to the request</li> </ul>	Yes
188	<p>To require the owners corporation, strata managing agent, officer or former strata managing agent to supply records or documents for inspection</p> <p><b>Who can apply?</b></p> <ul style="list-style-type: none"> <li>Person entitled to inspect records or documents</li> </ul>	<ul style="list-style-type: none"> <li>Provide details of the information you require and your entitlement to the information</li> <li>Evidence includes copies of your request for the supply of information and the refusal</li> </ul>	No

## Defective building work

Section	Orders	Information required	Mediation
211(1)	To permit access to a lot for inspection or building work <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Developer</li> <li>• Building inspector</li> <li>• Person entitled to enter</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Describe why access/repair to the lot is required and if access/repair has been refused</li> <li>• Evidence includes a copy of relevant minutes, meetings, correspondence requesting access/repair</li> </ul>	Yes
211(3)	To specify contract price of the building work for the purpose only of determining the amount of a building bond <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Developer</li> <li>• Secretary</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• Evidence includes occupation certificate and all applicable contracts</li> </ul>	Yes

## General orders for settlement of disputes

Section	Orders	Information required	Mediation
232	To resolve disputes or settle complaints <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Interested person</li> <li>• Original owner</li> <li>• Building manager</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> <li>• <b>Note:</b> This is the general power of the Tribunal to settle a dispute or complaint about the operation, administration or management of a strata scheme, or functions conferred or imposed</li> <li>• Examples of general disputes or complaints: <ul style="list-style-type: none"> <li>- Management of administrative and sinking funds</li> <li>- Holding meetings in accordance with the Act</li> <li>- Interference with support of shelter or essential services</li> <li>- Repairs to common property</li> <li>- Compliance with by-laws</li> <li>- Causing a nuisance or hazard</li> <li>- Interference with the use or enjoyment of common property</li> <li>- Failure to provide documents</li> <li>- Damages for contravention of duty to maintain common property and keep in a state of good and serviceable repair</li> </ul> </li> </ul>	Yes
233	To resolve a dispute between neighbouring (contiguous) strata schemes <b>Who can apply?</b> <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul>	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> </ul>	Yes

## Strata committee

Section	Orders	Information required	Mediation
238	To remove person from strata committee <b>or</b> To remove person from office <b>or</b> To prohibit strata committee from determining a	<ul style="list-style-type: none"> <li>• Attach evidence of attempted mediation</li> </ul> <p>Explain why you think the person should be removed from the strata committee or why the</p>	Yes

Section	Orders	Information required	Mediation
	matter  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Interested person</li> </ul>	strata committee should be prohibited from determining a matter	

### Mediation session agreement

Section	Orders	Information required	Mediation
230	To make orders to give effect to the written agreement signed by parties during a mediation session  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Persons who are parties to mediation</li> </ul>	<ul style="list-style-type: none"> <li>Attach evidence of mediation</li> <li>Attach a copy of the written agreement signed by parties</li> <li>Explain why the Tribunal should make orders in the terms of the mediation agreement</li> </ul>	Yes

### Penalty

Section	Orders	Information required	Mediation
147	To impose monetary penalty for contravention of a by-law  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Owners corporation</li> </ul> <b>Time limit:</b> Application must be made within 12 months after the Notice to Comply with a by-law was given  OR  Application must be made within 12 months after the Tribunal had imposed a monetary penalty on the person for a previous breach of the by-law	<ul style="list-style-type: none"> <li>Attach a copy of the relevant resolution of the owners corporation or executive committee and the Notice to Comply with a by-law</li> <li>Evidence includes a statement detailing the breach that justified the giving of the Notice to Comply; the authority to give the Notice to Comply; the contravention that justified the application</li> <li>The dates and times on which the contravention occurred</li> <li>A description of the activities which amount to the contravention</li> <li><b>Note:</b> Evidence must be in the form a statutory declaration, affidavit or expert report as appropriate, as the rules of evidence apply in penalty proceedings</li> </ul>	No
247A	To impose a civil penalty for contravention of Tribunal orders  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Owner or other person with an interest in a lot in the strata scheme</li> <li>A party to the mediation if the Tribunal order is one which give effect to an agreement arising out of a mediation session</li> </ul>	<ul style="list-style-type: none"> <li>Attach the Tribunal order that was contravened</li> <li>Evidence includes a statement of the contravention including dates and description of activities</li> <li><b>Note:</b> Evidence must be in the form a statutory declaration, affidavit or expert report as appropriate, as the rules of evidence apply in penalty proceedings</li> </ul>	No

### Interim orders

Section	Orders	Information required	Mediation
231	To grant, revoke or renew an interim order  <b>Who can apply?</b> <ul style="list-style-type: none"> <li>Party to the substantive application</li> </ul>	Describe the urgent considerations that warrant the making of an interim order to stop the actions of a party or to preserve the current state until the substantive application is decided	No