

Please read this information before completing the form.

Strata and Community living often brings people of diverse interests and backgrounds close together. Disagreements and disputes can sometimes arise. Mediation seeks to assist people resolve their disputes on terms that work for them.

Mediation is a structured negotiation process in which a neutral and independent mediator assists parties in dispute to achieve their own resolution. Mediation is a quick, inexpensive and informal way of resolving disputes. It gives all parties the opportunity to explain their situation.

Flexibility is another advantage of mediation. Arrangements can be made to suit each case.

Mediation can also include support people who can help clarify issues in dispute. For instance, you may want to bring a builder or other person with specialist knowledge.

In some cases mediation is compulsory, that is, you cannot take any further steps under the relevant Act to resolve your dispute unless an attempt at mediation has been made.

Your application will usually be completed within four weeks.

At the mediation session everybody sits around a table and talks through the issues with the help of the mediator.

NSW Fair Trading has qualified mediators and staff with knowledge of relevant laws. If you prefer, you can find and pay for a mediator of your own choice.

The mediator's role is to:

- assist the parties to raise and consider options and strategies by which the issues may be addressed,
- assist the parties to discuss the issues with a view to negotiating a settlement they can all live with.

The mediator does not determine who is right or make decisions for the parties.

All parties are encouraged to actively participate in mediation.

NSW Fair Trading may be able to help by providing information to both sides on their rights and responsibilities under the strata and community law.

Any agreement reached through the mediation process may be put in writing and signed by all parties. These agreements can be ratified by an Adjudicator or the NSW Civil and Administrative Tribunal.

IMPORTANT INFORMATION

Please read this information before completing the form.

CHECKLIST BEFORE COMPLETING A MEDIATION APPLICATION FORM

For Strata Schemes

- There must be jurisdiction for mediation under the *Strata Schemes Management Act 2015*. For an overview of strata rights and responsibilities, NSW Fair Trading's "Strata Living" booklet is available online – www.fairtrading.nsw.gov.au
- Claims for compensation or costs are outside the scope of the *Strata Schemes Management Act 2015*, however you may be able to pursue these claims through the Local Court. For more information contact LawAccess NSW – 1300 888 529.
- There is no jurisdiction for an owners corporation to mediate with its strata managing agent – except for seeking to recover its records and other property from the agent upon termination of the agent's services.
- Owners raising issues involving a strata agent's management of the scheme need to apply for mediation against the owners corporation.
- If you have a dispute with your owners corporation about not getting approval to keep your pet, you need to check your scheme's by-laws. If there is a "no animals/no pets" by-law, this Office cannot accept your application as there is no jurisdiction for mediation about your request to keep an animal. You can mediate if the by-law allows animals subject to the owners corporation's written permission.
- Mediation is not required for an owners corporation applying for a penalty order for a breach of Notice to Comply with a By-law. The owners corporation can apply for these penalty orders against owners or occupiers who breach the by-laws after having been served with a Notice to Comply with a By-law. A maximum penalty up to \$1,100, increasing to up to \$2,200 for a breach of the same by-law detected within 12 months of the Tribunal having awarded a penalty for the earlier breach, may apply
- Mediation is not required if you are applying for the appointment of a strata managing agent because you believe your scheme is dysfunctional, or you are seeking an order from the Tribunal for reallocation of unit entitlements

For Residential Land Lease Communities (Residential parks)

- If you live in a Residential Community, and are applying for compulsory mediation relating to site fee increases, you need to use the Application For Compulsory Mediation form available at www.fairtrading.nsw.gov.au
- Residential Community residents and operators can only apply for mediation regarding the following:
 - Disputes about site agreements
 - Issues regarding rights and obligations
 - Costs/charges associated with utility and other charges
 - Issues with community rules
 - Issues with the residents committee
 - Disputes or issues regarding the sale of a home

FURTHER INFORMATION

For general information, please contact:

NSW Fair Trading on **13 32 20** or
www.fairtrading.nsw.gov.au

1. Your details

Name (individual or corporation) (including title: Mr/Mrs/Ms)

Address

Your lot/site number Address

Suburb/Town

State

Postcode

Contact

Daytime telephone number

Mobile number

Fax number

Email

Are you applying as? a strata lot owner park operator a tenant/occupier/resident

other

2. Strata or Residential community (residential park) details

Street Address

Suburb/Town

State

Postcode

Strata/Community Plan no.
(if applicable)

SP / DP

Number of lots/units/sites at this Strata/Community
Scheme or Residential Community

Site No.
(if applicable)

3. Strata managing agent's details or Residential community operator details

Managing Agent's / Residential Community Operator (name and company)

Address

Suburb/Town

State

Postcode

Contact

Daytime telephone number

Mobile number

Fax number

Email

OFFICE USE ONLY

Amount

Date

Receipt

Officer

4. Who is your dispute with?

Name (individual or corporation) (including title: Mr/Mrs/Ms)

Address

Unit/site number

Address

Suburb/Town

State

Postcode

Contact

Daytime telephone number

Mobile number

Fax number

Email

Are they? a strata plan owner strata owners corporation tenant/occupier/resident community operator

other

Do you need an interpreter? Yes No If Yes, what language

5. Attachments (Only attach copies of documents relevant to the dispute. Please keep these to a minimum.)

A copy of this back page and any attachments you provide will be given to the people taking part in the mediation. Do not include any personal details, including your contact details, that you do not want the other party to receive. A copy of the front page of this application will not be disclosed.

6. Mediation details

What issues do you want to bring to mediation? (Please refer to page 1 for further details)

What are you hoping to achieve from mediation?

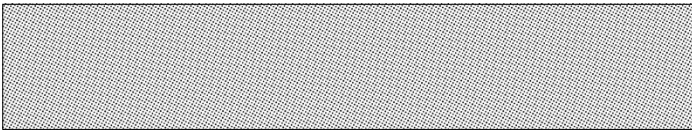
7. Disclosure of information

All information, including personal information collected by this office, is treated as confidential under the *Strata Schemes Management Act 2015*, the *Community Land Management Act 1989*, the *Residential (Land lease) Communities Act 2013* and is protected by the *Privacy and Personal Information Protection Act 1998*. We collect and use personal information given by you only for the purpose of properly conducting mediations. This information is securely stored and is only disclosed to authorised third parties where necessary for the purposes of properly administering these Acts or when required by law.

8. Declaration

Full name

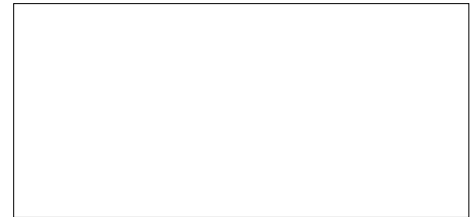
Signature (please print and sign)



Date

DD / MM / YYYY

Stamp of Common Seal
(ONLY if lodged on behalf of the owners)



HOW TO LODGE THIS FORM

Print form and sign, then either:

scan and email: sc@finance.nsw.gov.au

OR

post to: NSW Fair Trading, Market Relations
PO Box 972 Parramatta NSW 2124