



# Strata application

CONSUMER AND COMMERCIAL DIVISION | STRATA LIST

Use this form to apply to NCAT's Consumer and Commercial Division for Tribunal orders under the *Strata Schemes Management Act 2015*.

## File Number

Office use only

## 1. DISPUTE DETAILS

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### A. HAVE YOU TRIED TO SETTLE THIS DISPUTE THROUGH MEDIATION?

If you have not attempted mediation you should get advice from NSW Fair Trading.

- Yes** Please provide evidence of the mediation outcome  
 **No** If no, why?

### B. ADDRESS OF STRATA SCHEME

**Strata Plan (SP) Number:**

**Address:**

### C. ADDRESS OF MANAGING AGENT / SECRETARY OWNERS CORPORATION

Provide the address of the managing agent or secretary of owners corporation / association.

**Address:**

### D. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties and the current dispute:

## 2. APPLICANT

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### A. APPLICANT TYPE

Tick the box that best describes the person or corporation making the application.

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Lot owner                     | <input type="checkbox"/> Building manager | <input type="checkbox"/> Interested person       | <input type="checkbox"/> Strata Managing Agent |
| <input type="checkbox"/> Owners corporation            | <input type="checkbox"/> Connected person | <input type="checkbox"/> Lessor                  | <input type="checkbox"/> Tenant                |
| <input type="checkbox"/> Approved insurer              | <input type="checkbox"/> Developer        | <input type="checkbox"/> Occupier                | <input type="checkbox"/> Mortgagee             |
| <input type="checkbox"/> Building management committee | <input type="checkbox"/> Strata Committee | <input type="checkbox"/> Lessor of Strata Scheme |  |

### B. APPLICANT'S DETAILS

Provide details of person or corporation making the application. For multiple applicants attach details on a separate sheet.

**Full name:**

**Postal address:**

**Contact details:** Daytime telephone

Mobile

Email

- Do you want NCAT notices and correspondence emailed to you?**

By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

### 3. RESPONDENT

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#### A. RESPONDENT TYPE

Tick the box that best describes the person or corporation you are making the applicant against.

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Lot owner                     | <input type="checkbox"/> Building manager | <input type="checkbox"/> Interested person | <input type="checkbox"/> Strata Managing Agent   |
| <input type="checkbox"/> Owners corporation            | <input type="checkbox"/> Connected person | <input type="checkbox"/> Lessor            | <input type="checkbox"/> Tenant                  |
| <input type="checkbox"/> Approved insurer              | <input type="checkbox"/> Developer        | <input type="checkbox"/> Occupier          | <input type="checkbox"/> Mortgagee               |
| <input type="checkbox"/> Building management committee |   | <input type="checkbox"/> Strata Committee  | <input type="checkbox"/> Lessor of Strata Scheme |

#### B. RESPONDENT'S DETAILS

Provide the respondent's name and their postal address. For multiple respondents attach details on separate sheet. If the respondent is a company or business, please attach a current business name extract or company extract from ASIC.

**Full name:**

**Postal address:**

**Contact details:** Daytime telephone

Mobile

Email

### 4. ORDER DETAILS

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#### A. WHAT ORDERS DO YOU WANT?

Write down the section/s of the *Strata Schemes Management Act 2015* and the orders you want the Tribunal to make. Refer to the attached information for sections of the Act and types of orders that can be made.

#### B. REASONS FOR ASKING FOR THE ABOVE ORDERS?

You must explain why you are lodging this application and asking for Tribunal orders by providing as much information as possible. If the space below is insufficient you can attach additional information to this form.

#### C. WHO COULD BE AFFECTED BY THE ORDERS SOUGHT IN THE APPLICATION?

You must explain who will be affected if the orders sought are made by the Tribunal.

I have attached a copy of the strata roll to this application

## 5. HEARING

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### A. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 4 weeks:

### B. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

### C. INTERPRETER

Do you need an interpreter for the hearing?  Yes  No

If yes, specify language and dialect:

## 6. APPLICATION CHECKLIST

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- I have attached all other documents relevant to this application**  
Include all relevant information with your application. Attach details of multiple applicants or respondents, or further information about the orders you are seeking. Note: A copy of this application and any attachments will be sent to the respondent.
- I have attached a recent ASIC company or business name extract**  
If the respondent is a company or business, attach a current business name extract or company extract from ASIC which shows the organisation's registered name and address. Extracts can be purchased online from the [ASIC website](#).
- I have made a copy of this application for my own records**  
Before lodging your application with NCAT you must make a copy of your application for your own records.
- I have attached the application fee**  
Refer to the fee schedule on the [NCAT website](#). Credit card payments can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or Service NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.
- If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

## 7. SIGNATURE

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Applicant's signature or signature of representative.

|                  |   |
|------------------|---|
| <b>Name</b>      | <b>Position title</b> <i>(if company)</i> |
| <b>Signature</b> | <b>Date</b>                               |

### Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Consumer and Commercial Division Registry locations visit the [NCAT website](#). For all NCAT enquires telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

# GENERAL INFORMATION ABOUT STRATA APPLICATIONS

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## ABOUT NCAT

The NSW Civil and Administrative Tribunal (NCAT) is an independent, specialised and accessible service for the fair and timely resolution of disputes according to law. NCAT can make orders under the *Strata Schemes Management Act 2015* about disputes or complaints which have not been resolved by mediation.

## APPLYING TO NCAT

To apply to NCAT you will need to complete the Strata Application Form and lodge it with the appropriate fee. Visit the [NCAT website](#) for the current fees and charges.

Specify the section of the *Strata Schemes Management Act 2015* and the orders you want NCAT to make. A full list of orders NCAT can make is attached to this form. You can request more than one order. If you are unsure which order to select, please contact NSW Fair Trading for assistance on 13 32 20.

## URGENT APPLICATIONS

If you require an urgent hearing, you can apply to NCAT for an interim order by completing the Strata application for interim orders. An additional fee must also be paid.

## MEDIATION

Evidence of attempted mediation must be provided for certain strata applications. Please check the orders list to see if mediation is required for your application.

Attach evidence of attempted mediation with your application. You must apply for mediation with NSW Fair Trading before lodging an application with NCAT.

For more information about mediation contact NSW Fair Trading on 13 32 20.

## WHO IS AN 'INTERESTED PERSON'?

Under the *Strata Schemes Management Act 2015*, the following people are defined as interested persons.

- Owner corporation
- Officer of the owners corporation
- Strata managing agent for the scheme
- Owner of a lot in the scheme, person having an estate or interest in a lot or an occupier of a lot
- Lessor of the scheme (if strata scheme is a leasehold strata scheme)

## WHO IS A 'CONNECTED PERSON'?

Please refer to [section 7](#) of the *Strata Schemes Management Act 2015* for a full definition of 'connected person'

## WHAT HAPPENS AFTER LODGING THE APPLICATION?

Your matter will be listed for conciliation and hearing, or directions hearing, depending on the type of 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.

A copy of your application and any attached documents will also be sent to the other person/s. You should not include any confidential information you do not want disclosed to the other party.

## CAN SOMEONE REPRESENT ME?

NCAT Consumer and Commercial Division hearings are conducted as informally as possible, and parties are encouraged to present their own case. You can present your own case or you may apply to NCAT to allow a lawyer or an agent to represent you.

## EVIDENCE AND SUPPORTING MATERIALS

At the hearing, you will need to provide evidence to support your application.

The type of information and documents you need to provide to NCAT will depend on the orders you are seeking. Refer to the list of orders attached to this form for the information required.

These documents will be provided to the other party. If they are not included with your application, you will have to bring copies to the hearing for the other party. You should not provide any information you do not want disclosed to the other party.

## PRIVACY OF PERSONAL INFORMATION

The privacy of personal information is important to NCAT. Personal information is collected to register applications and to make decisions about disputes. All information contained in an application is provided to all parties, including home/business addresses, phone and email details. The Tribunal may give personal information to another person or agency (e.g. NSW Fair Trading) as required or authorised by law. A person has a right to access their personal information and may request that the Tribunal correct any inaccuracies.

## INFORMATION AND ASSISTANCE

### NSW FAIR TRADING

**Phone:** 13 32 20

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

Contact NSW Fair Trading for information and assistance **before** lodging the application.

### NCAT

**Phone:** 1300 006 228

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

Contact NCAT's Consumer and Commercial Division for information and assistance **after** lodging the application.

## ORDERS under the *Strata Schemes Management Act 2015*

An application to NCAT should request at least one of the orders below. The legislation, section of the Act, who can apply for the order and information/documents required with your application are specified in each case. This is a guide only and you should refer to the legislation.

### GENERAL ORDERS FOR SETTLEMENT OF DISPUTES

| Section | Orders  | Who can apply?  | Information required  |
|---------|---|---|---|
| 232     | To resolve disputes or settle complaints<br><br><b>Note:</b> Do not use this section of the Act for a dispute or complaint relating to an agreement that is not an agreement under this Act, or the exercise of, or failure to exercise, a function conferred or imposed by or under any other Act. | <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><b>Attach evidence of attempted mediation</b></li> </ul> <p><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.</p> <p>Examples of general disputes or complaints include:</p> <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> </ul> |
| 233     | To resolve dispute between neighbouring (contiguous) strata schemes   | <ul style="list-style-type: none"> <li>Owners corporation</li> </ul>  | <ul style="list-style-type: none"> <li><b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>   |

### ORDERS ABOUT PROPERTY

| Section   | Orders   | Who can apply?   | Information required  |
|---|--|--|---|
| 124   | To require occupier of lot to allow owners corporation to enter lot<br><br><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. | <ul style="list-style-type: none"> <li>Owners corporation</li> </ul>                               | <ul style="list-style-type: none"> <li>Describe why entry to lot is required and if consent has been refused</li> <li>Provide a copy of minutes of relevant meetings or correspondence requesting entry to the lot</li> <li>Provide any other relevant correspondence</li> </ul>  |
| 125   | To dispose of abandoned goods and/or motor vehicle on common property  | <ul style="list-style-type: none"> <li>Owners corporation</li> </ul>                               | <ul style="list-style-type: none"> <li>Provide evidence of a disposal notice to owners and other person about the goods</li> <li><b>Attach evidence of attempted mediation</b></li> </ul>   |
| Clause 33<br><i>Strata Schemes Management Regulation 2016</i> | To require the owners corporation to pay the owners of goods the proceeds of the sale  | <ul style="list-style-type: none"> <li>Owner of goods</li> </ul>                                   | <ul style="list-style-type: none"> <li>Provide evidence of sale of goods</li> <li><b>Attach evidence of attempted mediation</b></li> </ul>  |
| 126   | To get consent to existing or proposed alterations or repair of common property  | <ul style="list-style-type: none"> <li>Owner</li> <li>Lessor of leasehold strata scheme</li> </ul> | <ul style="list-style-type: none"> <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><b>Attach evidence of attempted mediation</b> and any relevant registered by-laws, a copy of the minutes of the meeting, a copy of your request and the owners corporation's refusal</li> </ul> |

## ORDERS ABOUT PROPERTY cont.

| Section | Orders   | Who can apply?  | Information required   |
|---------|--|---|--|
| 127     | To declare work to be cosmetic work or minor renovation  | <ul style="list-style-type: none"> <li>Owner</li> </ul>   | <ul style="list-style-type: none"> <li>Describe work to be done including quotes</li> <li><b>Attach evidence of attempted mediation</b></li> </ul>   |
| 128     | To direct owner to lodge in the office of the Registrar-General documents under section 19 of <i>Strata Schemes Development Act 2015</i> | <ul style="list-style-type: none"> <li>Owner</li> <li>Lessor of lot of leasehold strata scheme</li> <li>Owners corporation</li> </ul> | <ul style="list-style-type: none"> <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> <li><b>Attach evidence of attempted mediation</b></li> </ul>   |
| 130(1)  | To require owners corporation to sell/dispose of personal property or to prevent owners corporation acquiring personal property          | <ul style="list-style-type: none"> <li>Owner</li> </ul>   | <ul style="list-style-type: none"> <li>Describe what and why 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><b>Attach evidence of attempted mediation</b>, any relevant registered by-law, a copy of the minutes of the meeting, a copy of your request and the owners corporation request</li> </ul> |
| 130(2)  | To require owners corporation to acquire personal property   | <ul style="list-style-type: none"> <li>Owner</li> </ul>   | <ul style="list-style-type: none"> <li>Describe why the owners corporation should acquire personal property</li> <li>Give details of any resolution made and the cost of the property</li> <li><b>Attach evidence of attempted mediation</b>, a copy of your request and the owners corporation's response</li> </ul>  |
| 131     | To use specified common property for specified purposes  | <ul style="list-style-type: none"> <li>Owner</li> </ul>   | <ul style="list-style-type: none"> <li>Describe what part of common property is involved and why you require use of common property</li> <li><b>Attach evidence of attempted mediation</b></li> <li>Attach copy of your request and owners corporation's response</li> </ul>   |
| 132     | To require owner or occupier to repair damage or compensate for damage   | <ul style="list-style-type: none"> <li>Owners corporation</li> </ul>  | <ul style="list-style-type: none"> <li><b>Attach evidence of attempted mediation</b></li> <li>Provide evidence (photos, strata minutes, quotes) of the damage and costs to repair</li> </ul>   |

## ORDERS ABOUT INSURANCE

| Section | Orders   | Who can apply?   | Information required   |
|---------|--|--|--|
| 162     | To adjust proportion of insurance premium to be paid     | <ul style="list-style-type: none"> <li>Person liable to pay premium</li> </ul>                                     | <ul style="list-style-type: none"> <li>Provide as much detail as possible</li> <li><b>Attach evidence of attempted mediation</b></li> </ul>  |
| 172     | To be exempted from the requirement to insure a building | <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Person required to insure a building</li> </ul> | <ul style="list-style-type: none"> <li>Provide as much detail as possible</li> <li>Provide copies of any minutes and correspondence including evidence of unanimous resolution</li> <li><b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |

**ORDERS ABOUT INSURANCE cont.**

| Section | Orders  | Who can apply?  | Information required   |
|---------|---|---|--|
| 174     | To require person to make or pursue insurance claim   | <ul style="list-style-type: none"> <li>• Owner or tenant of lot</li> <li>• Lessor of 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) or part of building not included in part strata parcel</li> <li>• Sublessee in a leasehold strata scheme</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>  |
| 175     | To require insurance to be taken out<br><br><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. | <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 or site.</li> </ul> | <ul style="list-style-type: none"> <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>• Provide as much detail as possible</li> <li>• Provide copies of any relevant policies, minutes and correspondence</li> <li>• <b>Attach evidence of attempted mediation</b></li> </ul> |

**ORDERS TO SETTLE DISPUTE BETWEEN STRATA SCHEMES**

| Section | Orders  | Who can apply?   | Information required  |
|---------|---|--|---|
| 233     | To resolve a dispute between neighbouring (contiguous) strata schemes | <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |

## ORDERS ABOUT STRATA MANAGING AGENTS AND BUILDING MANAGERS

| Section | Orders  | Who can apply?  | Information required   |
|---------|---|---|--|
| 72      | To terminate strata managing agent or building manager agreement or make other order about an agreement | <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul>  | <ul style="list-style-type: none"> <li>• Provide as much detail as possible</li> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>  |
| 237     | To appoint a strata managing agent  | <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 have estate or interest in lot or, in the 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 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, 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 judgement</li> <li>• What functions do you want the agent to have and exercise?</li> <li>• <b>Attach the written consent from a managing agent</b> listing their terms, conditions, fee and licence under the <i>Property, Stock and Business Agents Act 2002</i></li> <li>• <b>Attach copy of the strata roll</b></li> </ul> |

## ORDERS ABOUT CONTRIBUTIONS (LEVIES) AND FUNDS

| Section | Orders  | Who can apply?  | Information required   |
|---------|---|---|--|
| 77      | To allocate payment of surplus money  | <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Covenant charge</li> <li>• Owner</li> <li>• Mortgagee</li> </ul>                                 | <ul style="list-style-type: none"> <li>• Provide copies of relevant minutes and the strata plan</li> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>  |
| 82      | To alter amount of contributions as owner's consent has been unreasonably refused   | <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>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>  |
| 85      | To prevent owners corporation charging interest for late payment of contribution  | <ul style="list-style-type: none"> <li>• Owner</li> </ul>   | <ul style="list-style-type: none"> <li>• Describe why the owners corporation should reasonably have determined not to charge interest</li> <li>• <b>Attach evidence of attempted mediation, copies of levy notices, details of interest</b></li> </ul> |
| 86      | Recovery of unpaid contributions and interest<br><br><b>Note:</b> You cannot apply under this section about unpaid levies unless other orders under the Act are also sought | <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul>  | <ul style="list-style-type: none"> <li>• Copies of levy notices, details of interest and reasonable expenses</li> </ul>  |



## ORDERS ABOUT CONTRIBUTIONS (LEVIES) AND FUNDS cont.

| Section | Orders   | Who can apply?  | Information required  |
|---------|--|---|---|
| 87      | To alter amount of contributions, or alter manner of payment of contributions  | <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>• 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>• Include the estimates and minutes of meetings where the levy was decided</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>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |
| 89      | To require original owner to compensate for inadequate estimates/contributions<br><br><b>Time limit:</b> Application must be made not later than 3 years after the end of the initial period | <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Owner</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>   |
| 90      | To pay contributions for legal costs awarded in proceedings between owners or owners corporation   | <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Owner</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>   |

## ORDERS ABOUT KEEPING ANIMALS

| Section | Orders   | Who can apply?  | Information required  |
|---------|--|---|---|
| 156     | To require the removal of an animal not permitted under by-laws  | <ul style="list-style-type: none"> <li>• Interested person</li> </ul>                                 | <ul style="list-style-type: none"> <li>• Provide dates and details of the resolution of the owners corporation for the animal to be removed (if this has happened) and whether the person keeping the animal was told about the resolution</li> <li>• Provide a copy of any registered by-law</li> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>   |
| 157     | To allow a person to keep an animal on the lot   | <ul style="list-style-type: none"> <li>• Owner</li> <li>• Occupier (with consent of owner)</li> </ul> | <ul style="list-style-type: none"> <li>• Provide a copy of your request to the owners corporation</li> <li>• Provide copies of any documents you provide to the owners corporation and any minutes of a meeting/correspondence where the owners corporation refused to approve keeping the animal</li> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>   |
| 158     | To stop a nuisance, hazard or unreasonable interference with the use and enjoyment of another lot or property caused by animal | <ul style="list-style-type: none"> <li>• Interested person</li> </ul>                                 | <ul style="list-style-type: none"> <li>• Provide dates and details of the resolution of the owners corporation approving the keeping of the animal</li> <li>• Provide details of how the animal is causing a nuisance, danger or interference with the use and enjoyment of another lot or common property</li> <li>• Provide copies of any registered by-law about keeping animals and minutes of the meeting where the owners corporation approved keeping the animal</li> <li>• <b>Attach evidence of attempted mediation</b></li> </ul> |

## ORDERS ABOUT MEETINGS AND DECISIONS OF OWNERS COPORATION

| Section | Orders  | Who can apply?  | Information required   |
|---------|---|---|--|
| 17      | To require original owner to provide things to owners corporation   | <ul style="list-style-type: none"> <li>• Owners corporation</li> </ul>  | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>  |
| 20      | To require meeting to be held   | <ul style="list-style-type: none"> <li>• Owner</li> <li>• Owners corporation</li> <li>• Mortgagee</li> </ul>        | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation</b></li> </ul>  |
| 24      | To invalidate resolution or election of the owners corporation  | <ul style="list-style-type: none"> <li>• Owner</li> <li>• First mortgagee of lot</li> </ul>                         | <ul style="list-style-type: none"> <li>• Describe what resolutions you want invalidated and why</li> <li>• Describe why an election should be invalidated</li> <li>• Provide copies of relevant minutes</li> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>  |
| 25      | To nullify resolution of owners corporation on ground that person was denied vote or notice was not given | <ul style="list-style-type: none"> <li>• Person entitled to vote on resolution</li> </ul>                           | <ul style="list-style-type: none"> <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>• Provide copies of the resolution you want nullified and copies of minutes of meetings</li> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |
| 48      | To require meeting to be held if no officers or committee after first AGM                                 | <ul style="list-style-type: none"> <li>• Owner</li> <li>• Mortgagee</li> <li>• Covenant chargee of a lot</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>  |

## ORDERS ABOUT RECORDS OF OWNERS CORPORATIONS

| Section | Orders   | Who can apply?   | Information required   |
|---------|--|--|--|
| 187     | To allow the owners corporation to enter information on the strata roll  | <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Owner</li> <li>• Other person having or acquiring an estate or interest in lot</li> </ul> | <ul style="list-style-type: none"> <li>• Provide details of information you want on the strata roll</li> <li>• Provide copies of any requisition given by the Secretary and any reply to the requisition</li> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |
| 188     | To require the owners corporation, strata managing agent or office holder of executive committee to supply records or documents for inspection | <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>• Provide copies of your request for the supply of information and the refusal</li> </ul>   |

## ORDERS ABOUT BY-LAWS

| Section | Orders  | Who can apply?  | Information required   |
|---------|---|---|--|
| 148     | To revoke amendment to by-laws, revive repealed by-law, or repeal new by-law        | <ul style="list-style-type: none"> <li>Person entitled to vote on motion relating to by-law</li> <li>Lessor of leasehold strata scheme</li> </ul>         | <ul style="list-style-type: none"> <li>Describe why, in the interests of all lot owners, the owners corporation should not have changed or repealed an existing by-law or made a new by-law</li> <li>Attach copies (as relevant) of strata plan; by-laws; minutes of meetings; documents in support of request for by-law / repeal / amendment; owner's/lessor's consent to the making of the by-law</li> <li><b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul>   |
| 149     | To change by-law conferring exclusive rights or privileges over common property     | <ul style="list-style-type: none"> <li>Owner</li> <li>Owners corporation</li> <li>Lessor of leasehold strata scheme</li> <li>Interested person</li> </ul> | <ul style="list-style-type: none"> <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 owners corporation refusal was unreasonable.</li> <li><b>If Owner or 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; the response from owner/lessor 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 property.</li> <li><b>Attach evidence of attempted mediation</b> and copies (as relevant) 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> <li><b>Attach copy of the strata roll</b></li> </ul> |
| 150     | To invalidate a by-law because the owners corporation did not have power to make it | <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>Describe why the owners corporation did not have power to make the by-law. Has the by-law been registered?</li> <li>Does the by-law conflict with the legislation</li> <li><b>Attach evidence of attempted mediation</b></li> </ul>   |

## ORDERS ABOUT COVENANTS AND OTHER RESTRICTIONS

| Section | Orders   | Who can apply?   | Information required  |
|---------|--|--|---|
| 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 | <ul style="list-style-type: none"> <li>Owners corporation</li> <li>Original owner</li> <li>Owner of a lot or a proposed strata scheme</li> </ul> | <ul style="list-style-type: none"> <li>Provide as much detail as possible</li> <li><b>Attach copy of the strata roll</b></li> </ul>   |
| 234     | To comply with an obligation imposed by a positive covenant  | <ul style="list-style-type: none"> <li>An authority having benefit of positive covenant</li> </ul>   | <ul style="list-style-type: none"> <li>What positive covenant applies? Describe how the owners corporation has failed to comply with the obligations. State if you have been refused an injunction under section 88H <i>Conveyancing Act 1919</i></li> <li><b>Attach evidence of attempted mediation and positive covenant</b></li> </ul> |

**ORDERS ABOUT COVENANTS AND OTHER RESTRICTIONS cont.**

| Section | Orders   | Who can apply?  | Information required  |
|---------|--|---|---|
| 235(1)  | To refrain from breaching a restriction on the use of a utility lot                                    | <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>• Give details of the restriction imposed on the use of the lot</li> <li>• Describe how the restriction has been breached</li> <li>• <b>Attach evidence of attempted mediation and a copy of the relevant restriction</b></li> </ul> |
| 235(2)  | To refrain from breaching a restriction of the use of a utility lot within the area of a local council | <ul style="list-style-type: none"> <li>• Relevant local council</li> </ul>  | <ul style="list-style-type: none"> <li>• Give details of the restriction imposed on the use of the lot</li> <li>• Describe how the restriction has been breached</li> <li>• <b>Attach evidence of attempted mediation and a copy of the relevant restriction</b></li> </ul> |

**ORDERS ABOUT STRATA COMMITTEE AND OFFICERS**

| Section | Orders   | Who can apply?  | Information required  |
|---------|--|---|---|
| 238     | To remove person from the committee                    | <ul style="list-style-type: none"> <li>• Interested person</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |
| 238     | To remove person from office                           | <ul style="list-style-type: none"> <li>• Interested person</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |
| 238     | To prohibit strata committee from determining a matter | <ul style="list-style-type: none"> <li>• Interested person</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and copy of the strata roll</b></li> </ul> |

**ORDERS ABOUT THE INITIAL PERIOD**

| Section | Orders   | Who can apply?   | Information required   |
|---------|--|--|--|
| 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 | <ul style="list-style-type: none"> <li>• Original owner – if application relates to proposed subdivision of lot</li> <li>• Owner – if application relates to making, amending or repealing a by-law</li> <li>• Owners corporation – in any case</li> </ul> | <p>Attach:</p> <ul style="list-style-type: none"> <li>• Copy of plan of subdivision. Where appropriate, evidence that 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> |

## ORDERS ABOUT UNIT ENTITLEMENTS

| Section | Orders   | Who can apply?   | Information required  |
|---------|--|--|---|
| 236     | To re-allocate unit entitlements<br><br><b>Note:</b> Any ancillary orders under this section should be sought at the time of making an application | <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Lessor of leasehold strata scheme</li> <li>• Owner of lot (whether or not a development lot)</li> <li>• Local council</li> <li>• Public authority or statutory body representing the Crown that is empowered to impose a rate, tax or other charge by reference to a valuation of land</li> </ul> | <p>Detail how and why you want the unit entitlements re-allocated. If the strata plan is subdivided give lot numbers affected and all strata plan numbers.</p> <p>Attach:</p> <ul style="list-style-type: none"> <li>• A copy of the strata roll</li> <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> <li>• 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></li> </ul> |

## ORDERS ABOUT IMPOSING A PENALTY

| Section | Orders  | Who can apply?   | Information required   |
|---------|---|--|--|
| 147     | To impose pecuniary (civil) penalty for contravention of a by-law<br><br><b>Time limit:</b> Application must be made not later than 12 months after the notice was given or 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>• Owners corporation</li> </ul> | <ul style="list-style-type: none"> <li>• Attach copies of any resolution of the owners corporation or executive committee</li> <li>• Attach copy of the Notice to Comply with a by-law</li> <li>• Detail all the steps – the breach that justified the giving of the Notice to Comply; the authorisation to give the Notice to Comply; the contravention that justified the application</li> <li>• Give the dates and times on which the contravention occurred</li> <li>• Give a description of the activities which amount to the contravention</li> </ul> |

## ORDERS ABOUT AGREEMENTS ARISING FROM MEDIATION SESSION

| Section | Orders   | Who can apply?   | Information required  |
|---------|--|--|---|
| 230     | To make orders to the written agreement signed by parties during a mediation session | <ul style="list-style-type: none"> <li>• Owners corporation</li> <li>• Persons who are parties to mediation</li> <li>• Mediator</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Attach evidence of attempted mediation and a copy of the written agreement signed by parties</b></li> </ul> |

## ORDERS ABOUT REVOKING AN INTERIM ORDER

| Section | Orders  | Who can apply?                   | Information required   |
|---------|---|----------------------------------|--|
| 231     | To revoke an interim order or renewal of an interim order | Party to the interim application | <ul style="list-style-type: none"> <li>• Describe why the order should be revoked</li> </ul> |