



Strata schemes application

CONSUMER AND COMMERCIAL DIVISION | STRATA LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for Tribunal orders under the *Strata Schemes Management Act 2015*. Read the [Strata Schemes Fact Sheet](#) for more information before lodging this application.

File Number

Office use only

1. DISPUTE DETAILS

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

Certain types of applications cannot be accepted without mediation being attempted. Refer to the [Strata Schemes Fact Sheet](#) for mediation requirements. 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

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"/> Tenant | <input type="checkbox"/> Strata managing agent |
| <input type="checkbox"/> Owners corporation | <input type="checkbox"/> Building inspector | <input type="checkbox"/> Occupier | |
| <input type="checkbox"/> Other (please specify) | | | |

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 Phone

Mobile

Email address*

* By providing an email address you are agreeing that any NCAT notices, orders and correspondence can be emailed to you. Ensure the email address provided is accurate and the account is checked regularly.

3. RESPONDENT

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"/> Tenant | <input type="checkbox"/> Strata managing agent |
| <input type="checkbox"/> Owners corporation | <input type="checkbox"/> Occupier | <input type="checkbox"/> Member of strata committee | |
| <input type="checkbox"/> Other (please specify) | | | |

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 Phone

Mobile

Email

4. ORDER DETAILS

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 orders table in the [Strata Schemes Fact Sheet](#) 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 WILL BE AFFECTED BY THE ORDERS?

You must explain who will be affected if the orders sought are made by the Tribunal. If all lot owners are affected, the owners corporation will be required to notify them about this application and they will be given an opportunity to be joined as a party. Refer to the [Strata Schemes Fact Sheet](#) to determine if all lot owners are affected.

☐ All lot owners are affected

☐ Other (please specify)

5. LANGUAGE AND DISABILITY SUPPORT

A. SUPPORT REQUIREMENTS

Indicate whether you have a disability-related need or other request for support at the hearing.

B. INTERPRETER

Do you need an interpreter for the hearing? ☐ No ☐ Yes (specify language):

6. CHECKLIST

☐ I have read the Strata Schemes Fact Sheet

☐ 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. You should not include any confidential information you do not want disclosed to the other party.

☐ 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. 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

Applicant's signature or signature of representative.

Name

Position title (if company)

Signature

Date

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 enquiries telephone 1300 006 228 or visit www.ncat.nsw.gov.au.

Please only submit pages 1-3 of this form with any attachments to support your application.

The information below is a guide to assist you and DOES NOT form part of the application.

GENERAL INFORMATION ABOUT STRATA SCHEMES APPLICATIONS

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

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

Complete the Strata schemes application form and lodge it with the appropriate fee. Visit the NCAT website for current fees and charges.

Specify the section of the *Strata Schemes Management Act 2015* and the orders you want NCAT to make.

Refer to the orders table on the [Strata Schemes Fact Sheet](#) for the types of orders NCAT can make. You can request more than one order.

Urgent applications

If you need an urgent hearing, you can apply to NCAT for an interim order by completing the separate Strata schemes interim application.

Are all lot owners affected?

If all lot owners are affected by the orders you are seeking in your application to NCAT, the owners corporation must notify all lot owners about the application.

Affected lot owners will be given an opportunity to be joined as a party to your application.

Refer to the [Strata Schemes Fact Sheet](#) to determine if all lot owners are affected by the orders you are seeking.

Who is an 'interested person'?

Under the *Strata Schemes Management Act 2015* the following people are defined as an interested person.

- Owners corporation
- Officer of the owners corporation
- Strata management 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 a 'connected person'.

MEDIATION REQUIRED FOR CERTAIN APPLICATIONS

Mediation is compulsory for most strata scheme disputes before lodging an application with NCAT. Refer to the [Strata Schemes Fact Sheet](#) to find out if you need to attempt mediation for your strata dispute.

NSW Fair Trading provides a free mediation service for strata disputes. Any settlement reached in mediation may also be made into an enforceable order by the Tribunal.

Visit the NSW Fair Trading website

www.fairtrading.nsw.gov.au or call **13 32 20** to apply for mediation.

WHAT HAPPENS NEXT?

After applying to NCAT, your matter will be listed for conciliation and hearing, or a directions hearing. The type of hearing will depend 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 hearing will be held within 4-6 weeks.

A copy of your application and any attached documents will also be sent to the other parties. Do not include any confidential information you do not want disclosed.

Conciliation and hearing

Matters listed for conciliation and hearing are heard within a number of other matters in a 'group list'. Parties will be asked to attempt conciliation to reach an agreement before the hearing can take 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 substantive hearing, and to arrange for the exchange of evidence between the parties.

EVIDENCE AND SUPPORTING MATERIALS

At the hearing you will need to provide evidence to support your case. The type of information and documents you need to provide will depend on the orders sought. Refer to the [Strata Schemes Fact Sheet](#) for details.

You must comply with any orders the Tribunal makes to provide evidence to the other party and the Tribunal prior to the hearing.

CAN SOMEONE REPRESENT ME?

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

For more information refer to the Consumer and Commercial Division Guideline: Representation, section 45 of the *Civil and Administrative Tribunal Act 2013*, clause 7 of Sch 4 to the *Civil and Administrative Tribunal Act 2013* and rules 31 to 33 of the Civil and Administrative Tribunal Rules 2014.

INFORMATION AND ASSISTANCE

LAWACCESS NSW

Phone: 1300 888 529

Website: www.lawaccess.nsw.gov.au

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

NSW FAIR TRADING

Phone: 13 32 20

Website: 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

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