



Strata schemes interim application

CONSUMER AND COMMERCIAL DIVISION | STRATA LIST

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

IMPORTANT INFORMATION:

- An application for interim orders can only be made in addition to a strata schemes application.

File Number

Office use only

1. DISPUTE DETAILS

A. ADDRESS OF STRATA SCHEME

Strata Plan (SP) Number:

Address:

B. ADDRESS OF MANAGING AGENT / SECRETARY OWNERS CORPORATION

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

Address:

C. 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: Daytime telephone

Mobile

Email

4. ORDER DETAILS

A. WHAT INTERIM ORDERS ARE YOU ASKING FOR?

B. REASONS FOR ASKING FOR INTERIM ORDERS?

Describe the urgent considerations that justify the making of these orders. Give details of when and what is happening or going to happen if interim orders are not made. Attach supporting information such as minutes of meetings, expert reports, correspondence.

5. APPLICATION 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 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.

6. SIGNATURE

Applicant's signature or signature of representative.

Name

Position title *(if company)*

Signature

Date

Lodge your Application 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.

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 INTERIM ORDERS

ABOUT NCAT

The NSW Civil and Administrative Tribunal is an independent, specialised and accessible service for the fair and timely resolution of disputes according to law.

The Tribunal can make orders under the *Strata Schemes Management Act 2015* about disputes or complaints which have not been resolved by mediation.

REQUESTING INTERIM ORDERS

You can apply to NCAT for an interim order by completing the separate strata schemes interim application. An application for interim orders can only be made in conjunction with a strata schemes application. It cannot be made on its own.

You cannot apply for an interim order unless you have also applied for substantive orders.

NCAT DECISION ABOUT INTERIM ORDERS

NCAT must be satisfied on reasonable grounds that urgent considerations justify the making of interim orders.

Evidence about the urgent considerations that justify the making of interim orders must be provided with the application. Such evidence should be in the form of a statement with relevant documents attached.

NCAT aims to assess the urgency of the strata schemes interim application within 24 hours of it being lodged with NCAT. The policy is for a Tribunal Member to conduct the assessment on the papers. In some cases NCAT may make orders in the absence of the parties. These are orders in the nature of an injunction. They will usually be for a short period of time to allow all parties to be notified and given an opportunity to participate in a hearing about the interim orders.

Examples of situations which may justify the making of an interim order in the absence of the parties include where an order is required:

- to prevent the carrying out of unauthorised work to the common property
- to prevent the common property from otherwise being damaged
- to address an imminent danger to the health and welfare of lot owners or occupiers, such as a gas leak or the absence of running water or electricity

If the Tribunal Member does not consider that the interim orders should be made without first hearing from the other party, the Tribunal Member will direct the parties to provide evidence and submissions by a particular date and the application for interim orders will be listed for hearing as soon as practicable. The application for substantive orders will be listed for directions at the same time.

An interim order can remain in force for up to 3 months and can be renewed for up to 6 months or revoked.

WHAT HAPPENS TO THE STRATA SCHEMES APPLICATION?

Once the application for interim orders has been considered the strata schemes application will be listed for hearing. Parties may be asked to attempt mediation if this has not already occurred.

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.