



Fair
Trading

APPLICATION FOR

MEDIATION

*under the Strata Schemes Management Act 1996
or the Community Land Management Act 1989*

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 in strata and community schemes 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 most cases mediation is compulsory. You cannot take any further steps under the 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.

A fee must be paid by the applicant for mediation. There are no other charges involved.

NSW Fair Trading has qualified mediators and staff with knowledge of strata and community 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 Consumer, Trader & Tenancy Tribunal.

FURTHER INFORMATION

For general information, including the current mediation application fee, please contact:

Fair Trading Information Centre
NSW Fair Trading
Phone: 13 32 20
www.fairtrading.nsw.gov.au



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CHECKLIST BEFORE COMPLETING A MEDIATION APPLICATION FORM

- There must be jurisdiction for mediation under the Strata Schemes Management Act 1996. 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 1996, 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 (for up to \$550) against owners or occupiers who breach the by-laws after having being served with a Notice to Comply With a By-law.
- 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.

FURTHER INFORMATION

For general information, including the current mediation application fee, please contact:

Fair Trading Information Centre
NSW Fair Trading
Phone: 13 32 20
www.fairtrading.nsw.gov.au



Please print within the boxes in CAPITAL LETTERS

Street Address of your Strata/Community Scheme

Address

Suburb

Postcode

Strata/Community Plan no.

SP/DP

Number of units in the scheme

Strata managing agent's details (if your scheme has one)

Managing Agent's name and company

Address

Suburb

Postcode

Daytime number

Mobile phone

Fax number

email address

Applicant's details

Mr/Mrs/Ms

Name (Individual or corporation)

Address

Suburb

Postcode

Daytime number

Mobile phone

Fax number

email address

Your unit number

Are you applying as?

an owner owners corporation a tenant/occupier other-

Who is your dispute with?

Mr/Mrs/Ms

Name (Individual or corporation)

Address

Suburb

Postcode

Daytime number

Mobile phone

Fax number

email address

Their unit number

Are they?

an owner owners corporation a tenant/occupier other-

Do you need an interpreter?

Yes No If Yes, what language?

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.

What issues do you want to bring to mediation?

- _____
- _____
- _____
- _____
- _____
- _____

What are you hoping to achieve from mediation?

All information, including personal information collected by this office, is treated as confidential under the Strata Schemes Management Act 1996 and the Community Land Management Act 1989 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.

Sign here _____

Print name _____

Date _____

Stamp of common seal
(if lodged on behalf of
the owners corporation)

Return form with fee to: Mediation Services Unit,
NSW Fair Trading
PO Box A805
SYDNEY SOUTH NSW 1235