

Netstrata complaint

From:

To: michael.zhong@customerservice.nsw.gov.au

Date: Wednesday, 9 June 2021, 2:34 pm AEST

Hi Michael, It has now been 5 months since i contacted you and you still haven't provided me with any updates, what action you may be taking, and what you are hoping to achieve, and within what time frames.

Would you mind answering the above questions.

RE: Netstrata complaint

From: Michael Zhong (michael.zhong@customerservice.nsw.gov.au)

To:

Date: Wednesday, 9 June 2021, 5:06 pm AEST

Hi Michael,

There has been some progress since my last email. I wanted to analysis all the records before providing you with an outcome.

I am only looking at the strata insurance commission disclosure issue. Netstrata has provided the insurance records for both strata plans. I have requested records from the strata insurance underwriter to cross reference and confirm all commissions are disclosed. The strata insurance underwriter has is has requested an extension to provide the records and I give them until Wednesday, 16 June 2021. If they don't provide the records by that date, I will likely issue a fine and issue a new notice with another time frame.

If the strata underwriter records differ to the ones provided, we will look at issuing fines or have the matter referred for disciplinary action. If the strata underwriter records match, then I don't think any actions will be taken. From the insurance schedule I have seen, if there is commission paid by the underwriter to the strata managing agent it will be listed in the premium breakdown.

Based on the information provided so far, it appears Netstrata has meet their obligations in their disclosure requirement. The invoice from Strata Insurance Service outline the brokerage fee.

Having read all the correspondence you have provided, I am of the opinion that the other issues is a matter for the owners corporation and strata committee to resolve. The other issues is we have a statue of limitation of 3 years for taking action from the date of which the alleged offence has occurred.

Hopefully I can provide an answer to you regarding the insurance commission disclosure to you by the end of next week on 18 June 2021.

Regards

Michael Zhong

Senior Inspector

Consumer, Building & Property
NSW Fair Trading | Department of Customer Service
M: 0436 655 259

E: michael.zhong@customerservice.nsw.gov.au | www.fairtrading.nsw.gov.au
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

From:

Sent: Wednesday, 9 June 2021 2:34 PM

To: Michael Zhong <Michael.Zhong@customerservice.nsw.gov.au>

Subject: Netstrata complaint

Hi Michael, It has now been 5 months since i contacted you and you still haven't provided me with any updates, what action you may be taking, and what you are hoping to achieve, and within what time frames.

Would you mind answering the above questions.

RE: Netstrata complaint

From:

To: michael.zhong@customerservice.nsw.gov.au

Date: Wednesday, 9 June 2021, 6:08 pm AEST

Michael, you are aware that Netstrata do not disclose the brokerage charged to each scheme they manage? They do everything to keep it secret, including lie.

RE: Netstrata complaint

From: Michael Zhong (michael.zhong@customerservice.nsw.gov.au)

To:

Date: Thursday, 10 June 2021, 5:24 pm AEST

Hi

The attached strata insurance invoice was provided by you. The attached invoice does state 'Brokerage: \$6,000.00'. In one of the other complaints, there was a disclosure statement what stated Strata Insurance Services is a wholly owned subsidiary of Netstrata. It does indicate they are disclosing their commercial relationships. Perhaps the strata committee could instructed Netstrata to seek an external insurance broker or negotiate the brokerage fee.

Regards

Michael Zhong

Senior Inspector

Consumer, Building & Property
NSW Fair Trading | Department of Customer Service

NSW Fair Trading Reference

From: Michael Zhong (michael.zhong@customerservice.nsw.gov.au)

To:

Date: Monday, 21 June 2021, 1:32 pm AEST

Dear Michael,

Please see attached email sent to

Apologise if I sent it to the wrong email.

Regards

Michael Zhong

Senior Inspector

Consumer, Building & Property
NSW Fair Trading | Department of Customer Service
M: 0436 655 259

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Dear

My sincerest apologise for the delay in finalising this matter.

I have primarily focused on the insurance brokerage disclosure raised in your complaint. I am of the opinion the other issues surrounding the building repair/maintenance work, disagreement between strata committee members and the relationship with Netstrata requires resolution between the strata committee and the owners corporation. The building repair/maintenance are the responsibilities of the owners corporation.

I have requested records from Netstrata and Strata Unit Underwriters (SUU) to examine if fees and commissions are disclosure for the strata insurance for Strata Plan and for the last 3 years. The records provided by SUU showed no commission or fees were paid to either Netstrata or their subsidiary Strata Insurance Services (SIS). The quotes and renewals provided by SIS shows the brokerage fee on the front page. Previous correspondences provided discloses the business relationship between Netstrata and SIS. Perhaps the strata committee can negotiate the brokage fees from SIS or engage an external insurance broker or deal directly with the insurance company to save on the brokerage fee. However, this is up to the strata committee members to do.

Based on the records provided by SUU and Netstrata, there is no evidence to suggest commission have not been disclosed or any attempts to hide their business relationships. I will advise Netstrata to exclude you from any communication that you are entitled to.

From your correspondence it seems like some lot owners like Netstrata and others do not. It is ultimately up to the owners corporation to terminate Netstrata.

You can consider applying for strata mediation to resolve any disputes you may have in the future. If that is unsuccessful, then you can apply to NCAT for an order. For more information about strata living, please visit:

<https://www.fairtrading.nsw.gov.au/housing-and-property/strata-and-community-living/strata-schemes>

For Strata mediation, please visit:

<https://www.fairtrading.nsw.gov.au/help-centre/online-tools/apply-for-strata-mediation>

I have also attached NCAT strata schemes fact sheet about what orders under the Strata Schemes Management Act 2015.

Regards

Michael Zhong

Senior Inspector

Consumer, Building & Property
NSW Fair Trading | Department of Customer Service
M: 0436 655 259

E: michael.zhong@customerservice.nsw.gov.au | www.fairtrading.nsw.gov.au
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150



Customer
Service



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772.1kB



ccd_factsheet_strata_schemes.pdf
533kB

Strata schemes

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 at the end of this fact sheet for the types of orders NCAT can make. You can request more than one order.

Urgent applications

You can apply to NCAT for an interim order by completing the separate [Strata schemes interim application form](#). An application for interim orders can only be made in conjunction with a Strata schemes application. It cannot be made on its own.

Parties must provide evidence of mediation unless NCAT considers that mediation is unnecessary or inappropriate in the circumstances.

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 application for interim orders 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, or
- 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.

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 orders table at the end of this fact sheet to determine if all lot owners are affected by the orders you are seeking.

Proceedings commenced by the owners corporation?

The owners corporation must provide evidence that the proceedings have been authorised by a meeting of the strata committee or a meeting of the owners corporation.

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 orders table overleaf to find out if you need to attempt mediation for your strata dispute. The exceptions are listed in section 227(4) of the *Strata Schemes Management Act 2015*.

NSW Fair Trading provides a free mediation for strata disputes. Visit the NSW Fair Trading website at www.fairtrading.nsw.gov.au or call 13 32 20.

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 be available 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 with 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.

The Tribunal will not hear your application during the group list, unless the issues are simple, the evidence of parties is available, the parties have had an opportunity to consider each other's evidence and the Tribunal has time to hear the case.

If the matter is not heard during the group list, directions will be made for the parties to provide their evidence to each other and the Tribunal so that the matter can be listed for final hearing.

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 final hearing, and to arrange for the exchange of evidence between parties.

Evidence and supporting materials

At the final hearing you will need to have evidence to support your case. The type of information and documents you need to provide will depend on the orders sought. Refer to the orders table at the end of this 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 on 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*.

For 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

For information about mediation **before** lodging the NCAT Strata Schemes Application.

NCAT Consumer and Commercial Division

Phone: 1300 006 228

Website: www.ncat.nsw.gov.au

For information and assistance about processes or procedures **after** lodging the NCAT Strata Schemes Application.

ORDERS under the *Strata Schemes Management Act 2015*

You can apply to NCAT for orders under the *Strata Schemes Management Act 2015*. The orders below are a guide only. Refer to the relevant sections of the Act for more detailed information.

For orders requiring mediation before applying to NCAT, please contact NSW Fair Trading on 13 32 20 or visit www.fairtrading.nsw.gov.au.

By-laws

Section	Orders	Information required	Mediation
148	To revoke amendment to by-laws, revive repealed by-law, or repeal new by-law Who can apply? <ul style="list-style-type: none"> Person entitled to vote on motion relating to new by-law Lessor of leasehold strata scheme 	<ul style="list-style-type: none"> Provide reasons why by-law amendment should be revoked, revived or repealed or new by law repealed. All lot owners are affected and will be notified. 	Yes
149	To change by-law conferring exclusive rights or privileges over common property Who can apply? <ul style="list-style-type: none"> Owner Owners corporation Lessor of leasehold strata scheme Interested person 	<ul style="list-style-type: none"> Provide (as relevant) 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. All lot owners are affected and will be notified. If Owner: Provide details of the 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 refusal was unreasonable. If Owners Corporation: Provide details of the 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, their response, and why the refusal to consent is unreasonable. If Interested Person: Provide details of what is unjust in the by-law about the maintenance or upkeep of any common property. 	Yes
150	To invalidate a by-law Who can apply? <ul style="list-style-type: none"> Person entitled to vote on motion relating to the by-law Lessor of leasehold strata scheme 	<ul style="list-style-type: none"> Provide reasons why the by-law should be invalidated, for example, because the owners corporation did not have power to make it or that the by-law is harsh, unconscionable or oppressive. 	Yes

Contributions and funds

Section	Orders	Information required	Mediation
77	To allocate payment of surplus money Who can apply? <ul style="list-style-type: none"> Owners corporation Covenant chargee Owner Mortgagee 	<ul style="list-style-type: none"> Provide details of what surplus money should be allocated for, relevant minutes and the strata plan. All lot owners are affected and will be notified. 	Yes

Section	Orders	Information required	Mediation
82	<p>To alter amount of contributions</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation • Lessor of leasehold strata scheme • Owner • Mortgagee in possession 	<ul style="list-style-type: none"> • Provide evidence of increased insurance premium linked to the use of the lot. • All lot owners are affected and will be notified. 	Yes
85	<p>To prevent owners corporation charging interest for late payment of contribution</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owner 	<ul style="list-style-type: none"> • Describe why the owners corporation should reasonably have determined not to charge interest. • Provide levy notices and details of interest. 	Yes
86	<p>To recover unpaid contributions and interest</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation <p>Note: You cannot apply under this section about unpaid levies unless other orders under the Act are also sought.</p>	<ul style="list-style-type: none"> • Provide levy notices, details of interest and reasonable expenses to be recovered and the recovery action proposed. 	No
87	<p>To alter amount of contributions, or manner of payment of contributions</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation • Lessor of leasehold strata scheme • Owner • Mortgagee in possession 	<ul style="list-style-type: none"> • Describe why the levy should be a different amount and what the amount should be. • Provide the date the levy was decided and the last day for payment. • Include the estimates and minutes of meetings where the levy was decided. • Describe how the levy should be paid in sufficient detail to enable an understanding of the budgets and levies. • All lot owners are affected and will be notified. 	Yes
89	<p>To require original owner to compensate for inadequate estimates/contributions</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation • Owner <p>Time limit: Application must be made no later than 3 years after the end of the initial period</p>	<ul style="list-style-type: none"> • Provide evidence to establish inadequate estimates/contributions. 	Yes

Covenants and other restrictions

Section	Orders	Information required	Mediation
27	<p>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</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation • Original owner • Owner 	<ul style="list-style-type: none"> • Provide details of the restriction for the initial period and reasons for requesting the waiver, variation or extinguishment. • All lot owners are affected and will be notified 	No

Section	Orders	Information required	Mediation
234	To comply with an obligation imposed by a positive covenant Who can apply? <ul style="list-style-type: none"> An authority having benefit of positive covenant 	<ul style="list-style-type: none"> Provide details about the positive covenant that applies. Describe how the owners corporation has failed to comply with the obligations. Provide details of any action for an injunction under section 88H <i>Conveyancing Act 1919</i> including whether one has been refused. 	Yes
235(1)	To refrain from breaching a restriction on the use of a utility lot Who can apply? <ul style="list-style-type: none"> Owners corporation Lessor of leasehold strata scheme Owner Occupier of lot 	<ul style="list-style-type: none"> Give details of the restriction imposed on the use of the lot Describe how the restriction has been breached. Attach a copy of the relevant restriction. 	Yes
235(2)	To refrain from breaching a restriction of the use of a utility lot within the area of a local council Who can apply? <ul style="list-style-type: none"> Relevant local council 	<ul style="list-style-type: none"> Give details of the restriction imposed on the use of the lot. Describe how the restriction has been breached. Provide a copy of the relevant restriction. 	Yes

Building bonds and defective building work

Section	Orders	Information required	Mediation
211(1)	To permit access to a lot for inspection or building work Who can apply? <ul style="list-style-type: none"> Owners corporation Developer Building inspector Person entitled to enter 	<ul style="list-style-type: none"> Describe why access to the lot is required and if access has been refused. Provide relevant meeting minutes and correspondence requesting access. 	No
211(3)	To specify contract price of the building work for the purpose only of determining the amount of a building bond Who can apply? <ul style="list-style-type: none"> Owners corporation Developer Secretary 	<ul style="list-style-type: none"> Provide all applicable contracts, quotes and documentation relating to the proposed works. 	Yes

General orders for settlement of disputes

Section	Orders	Information required	Mediation
232	To resolve disputes or settle complaints Who can apply? <ul style="list-style-type: none"> Interested person Original owner Building manager Note: This is the general power of the Tribunal to settle a dispute or complaint about issues including the operation, administration or management of a strata scheme.	<ul style="list-style-type: none"> Examples of general disputes or complaints: <ul style="list-style-type: none"> Management of administrative and sinking funds Holding meetings in accordance with the Act Interference with support of shelter or essential services Repairs to common property Compliance with by-laws Causing a nuisance or hazard Interference with the use or enjoyment of 	Yes

Section	Orders	Information required	Mediation
		common property <ul style="list-style-type: none"> - Failure to provide documents - Damages for contravention of duty to maintain common property and keep in a state of good and serviceable repair. - Disputes concerning strata managing agency agreements and building management agreements <ul style="list-style-type: none"> • Provide evidence to support the making of the orders applied for. 	
233	To resolve a dispute between neighbouring (contiguous) strata schemes Who can apply? <ul style="list-style-type: none"> • Owners corporation 	<ul style="list-style-type: none"> • Provide evidence about the dispute and details of neighbouring strata schemes. 	Yes

Initial period

Section	Orders	Information required	Mediation
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 Who can apply? <ul style="list-style-type: none"> • Owners corporation • Original owner • Owner 	<ul style="list-style-type: none"> • Attach: <ul style="list-style-type: none"> - Copy of plan of subdivision - Where appropriate evidence that applicant is the original owner - Name and address of each lot owner - Name and address of any registered mortgagee, enrolled mortgagee and/or covenant chargee 	No

Insurance

Section	Orders	Information required	Mediation
162	To adjust proportion of insurance premium to be paid Who can apply? <ul style="list-style-type: none"> • Person liable to pay proportion of premium • Owners corporation 	<ul style="list-style-type: none"> • Provide details about the liability to pay a proportion of premium, replacement value and proportion payable. 	Yes
172	To exempt from requirement to insure Who can apply? <ul style="list-style-type: none"> • Person required to insure • Owners corporation in accordance with a unanimous resolution 	<ul style="list-style-type: none"> • Provide reasons for exemption and evidence of the unanimous resolution (if applicable). • All lot owners are affected and will be notified. 	Yes
174	To require person to make or pursue insurance claim Who can apply? <ul style="list-style-type: none"> • Owner • Lessor of a leasehold strata scheme • Sublessee in a leasehold strata scheme • 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 	<ul style="list-style-type: none"> • Provide details of damage and evidence of refusal of person to make a claim. 	Yes

Section	Orders	Information required	Mediation
175	<p>To require insurance to be taken out</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Owner Enrolled mortgagee or person having interest in lot Lessor of leasehold strata scheme Sublessee of common property in a leasehold strata scheme 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 Authority having benefit of a positive covenant affecting building site Note: 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"> Specify by whom the insurance is to be taken out or varied. If the building concerned contains a stratum parcel, specify the proportion in which the premium is to be paid. Provide relevant policies, minutes and correspondence. 	Yes

Interim orders

Section	Orders	Information required	Mediation
231 (1)	<p>To request the making of an interim order</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Any applicant who is eligible to apply for orders by the Tribunal 	<ul style="list-style-type: none"> Complete both the Strata schemes interim application for interim orders and the Strata schemes application forms. A request for an interim order cannot be lodged without an accompanying or existing Strata schemes application. Provide evidence setting out the urgent considerations that justify the making of an order. Attach evidence of attempted mediation. 	Yes, unless NCAT considers it is inappropriate in the circumstances. Eg, urgent injunctions.
231 (2)	<p>To revoke an interim order or renewal of an interim order</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Party to the interim application 	<ul style="list-style-type: none"> Provide details of the interim order including what it was, when it was made and why it should be renewed or revoked. 	No

Keeping of animals

Section	Orders	Information required	Mediation
156	<p>To require the removal of an animal kept on a lot in contravention of the by-laws</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Interested person 	<ul style="list-style-type: none"> Provide details of owners corporation resolution for removal of the animal (if applicable) and whether the person keeping the animal was told about the resolution. Provide copy of the relevant registered by-law. 	Yes
157	<p>To allow person to keep animal on the lot</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Owner Occupier (with consent of owner) 	<ul style="list-style-type: none"> Provide the request to the owners corporation to keep an animal. Include any attachments provided, other correspondence, meeting minutes or other evidence of refusal to allow animal. 	Yes
158	<p>To remove an animal causing a nuisance, hazard or unreasonable interference with the use or enjoyment of another lot or of the common property</p> <p>To take action to terminate the nuisance, hazard</p>	<ul style="list-style-type: none"> Provide details of owners corporation's resolution approving the keeping of the animal, if applicable. Explain how the animal is causing a nuisance, hazard or interference with the 	Yes

Section	Orders	Information required	Mediation
	or unreasonable interference caused by the animal Who can apply? <ul style="list-style-type: none"> Interested person 	use and enjoyment of another lot or common property. <ul style="list-style-type: none"> Provide copies of any registered by-law about keeping animals and relevant minutes of owners corporation meetings. 	

Meetings and decisions of owners corporation

Section	Orders	Information required	Mediation
17	To require original owner to provide things to owners corporation Who can apply? <ul style="list-style-type: none"> Owners corporation 	<ul style="list-style-type: none"> Provide details about request to original owner or lessor to provide the thing that was not delivered. 	Yes
20	To require meeting to be held Who can apply? <ul style="list-style-type: none"> Owner Owners corporation Mortgagee 	<ul style="list-style-type: none"> Provide details of person nominated by applicant and their consent if applicable. 	Yes
24	To invalidate resolution or election of the owners corporation Who can apply? <ul style="list-style-type: none"> Owner First mortgagee of lot 	<ul style="list-style-type: none"> Provide reasons why resolution or election should be invalidated. Provide relevant minutes and details of entitlement to vote. All lot owners are affected and will be notified 	Yes
25	To nullify resolution of owners corporation on ground that person was denied vote or notice was not given Who can apply? <ul style="list-style-type: none"> Person entitled to vote on resolution 	<ul style="list-style-type: none"> Describe the circumstances which led to the applicant being improperly denied a vote on the motion, or not being given due notice of the item of business and the entitlement to vote for or against the motion. Provide copies of the resolution to be nullified and minutes. All lot owners are affected and will be notified. 	Yes
48	To require meeting to be held if no officers or strata committee after first AGM Who can apply? <ul style="list-style-type: none"> Owner Mortgagee Covenant chargee 	<ul style="list-style-type: none"> Provide details of person nominated by applicant for appointment and evidence of their consent. All lot owners are affected and will be notified. 	Yes

Mediation session agreement

Section	Orders	Information required	Mediation
230	To make orders to the written agreement signed by parties during a mediation session Who can apply? <ul style="list-style-type: none"> Owners corporation Persons who are parties to mediation 	<ul style="list-style-type: none"> Provide evidence of mediator's referral to the Tribunal and the written agreement signed by parties evidencing consent to the referral, if relevant. Provide the signed written agreement to be made into orders. 	Yes

Penalty

Section	Orders	Information required	Mediation
147	<p>To impose monetary penalty for contravention of a by-law</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation <p>Time limit: Application must be made within 12 months after the Notice to Comply with a by-law was given or within 12 months after the Tribunal had imposed a monetary penalty on the person for a previous breach of the by-law</p> <p>Note: The rules of evidence apply in penalty proceedings.</p>	<ul style="list-style-type: none"> • Provide relevant resolutions of the owners corporation or executive committee. • Provide the Notice to Comply with a by-law. • Detail all the steps – the breach that justified the giving of the Notice to Comply; the authority to give the Notice to Comply; the contravention that justified the application, the authority to commence the proceedings. • Give the dates and times on which the contravention occurred. • Give a description of the activities which amount to the contravention. 	No

Property

Section	Orders	Information required	Mediation
124	<p>To require occupier of a lot to allow owners corporation to enter the lot</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners <p>Note: 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.</p>	<ul style="list-style-type: none"> • Describe why entry to the lot is required and if consent has been refused. • Provide minutes of relevant meetings or correspondence requesting entry to the lot and any other relevant correspondence. 	No
126	<p>To get consent to existing or proposed alterations or repair of common property</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners • Lessor of leasehold strata scheme 	<ul style="list-style-type: none"> • Describe alterations or repairs that have been unreasonably refused. • Provide details of the request for approval and the refusal by the owners corporation including dates. 	Yes
127	<p>To declare work to be cosmetic work or minor renovation</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owner 	<ul style="list-style-type: none"> • Describe the cosmetic or minor work to be done including quotes. Refer to sections 109 and 110 of the <i>Strata Schemes Management Act 2015</i>. 	Yes
128	<p>To direct owner to lodge documents under section 19 of the <i>Strata Schemes Development Act 2015</i></p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation • Owner • Lessor of leasehold strata scheme 	<ul style="list-style-type: none"> • Provide details of the alterations affecting lot boundaries invoking section 19 <i>Strata Schemes Development Act 2015</i>. • Provide evidence of the failure to lodge the relevant documentation. 	Yes
129(1)	<p>To require the owners corporation to carry out window safety device function</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Interested person (other than owners corporation) 	<ul style="list-style-type: none"> • Provide details about the proposed work by reference to window safety devices – child safety requirements in section 118 of the <i>Strata Schemes Management Act 2015</i>. 	Yes
129(3)	<p>To require owner to comply with window safety device legislation</p> <p>Who can apply?</p> <ul style="list-style-type: none"> • Owners corporation 	<ul style="list-style-type: none"> • Provide evidence of request to comply with section 118(4) of the <i>Strata Schemes Management Act 2015</i>. 	Yes

Section	Orders	Information required	Mediation
130(1)	To require owners corporation to sell/dispose of personal property or to prevent owners corporation acquiring personal property Who can apply? <ul style="list-style-type: none">Owner	<ul style="list-style-type: none">Provide details about the acquisition or proposed acquisition of property including cost of purchase, by-laws, minutes and reasons why the acquisition is unreasonable.	Yes
130(2)	To require owners corporation to acquire personal property Who can apply? <ul style="list-style-type: none">Owner	<ul style="list-style-type: none">Describe why the owners corporation should acquire the personal property.Give details of any resolution made and the cost of the property.Provide the request and owners corporation response.	Yes
131	To use specified common property for specified purposes Who can apply? <ul style="list-style-type: none">Owner	<ul style="list-style-type: none">Provide details about what part of common property is to be used and the proposed use, the request to the owners corporation about the use and the response.	Yes
132	To require owner or occupier to repair damage or compensate for damage Who can apply? <ul style="list-style-type: none">Owners corporation	<ul style="list-style-type: none">Provide evidence of damage to common property. Include photos, strata minutes, quotes of the damage and costs to repair.	Yes

Strata committee

Section	Orders	Information required	Mediation
238	To remove person from strata committee or To remove person from office or To prohibit strata committee from determining a matter Who can apply? <ul style="list-style-type: none">Interested person	<ul style="list-style-type: none">Provide details of why a person should be removed from office or the strata should be prohibited from determining a matter.All lot owners are affected and will be notified.	Yes

Strata managing agents and building managers

Section	Orders	Information required	Mediation
237	To appoint a compulsory strata managing agent Who can apply? <ul style="list-style-type: none">Person who obtained order under this Act that imposed duty on owners corporation or office holder that has not been complied withPerson having estate or interest in lot or, in case of leasehold strata scheme, lease of lotAuthority having benefit of positive covenant that imposes duty on owners corporationJudgment creditor to whom owners corporation owes judgment debt	<ul style="list-style-type: none">Describe how the management structure is not functioning satisfactorily; orProvide evidence the owners corporation:<ul style="list-style-type: none">has failed to comply with an NCAT order, orhas failed to perform one or more of its duties, orowes a judgment debt.Provide details about the functions the proposed agent is to have and exercise.Provide written consent from a managing agent listing their terms, conditions, fee and licence under the <i>Property, Stock and Business Agents Act 2002</i>.All lot owners are affected and will be notified.	No

Section	Orders	Information required	Mediation
72	<p>To terminate strata managing agent or building manager agreement or make an order about an agreement</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Owners corporation 	<ul style="list-style-type: none"> Provide reasons for variation or termination of management agreement. Refer to the grounds in section 72(3) <i>Strata Schemes Management Act 2015</i>. All lot owners are affected and will be notified. 	Yes

Strata roll and records

Section	Orders	Information required	Mediation
187	<p>To require the owners corporation to enter information on the strata roll</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Owners corporation Owner Other person having or acquiring an estate or interest in a lot 	<ul style="list-style-type: none"> Provide details of information to be included on the strata roll. 	Yes
188	<p>To require the owners corporation, strata managing agent, officer or former strata managing agent to supply records or documents for inspection</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Person entitled to inspect records or documents 	<ul style="list-style-type: none"> Provide details of the information required, entitlement, request and response. 	No

Unit entitlements

Section	Orders	Information required	Mediation
236	<p>To reallocate unit entitlements</p> <p>Who can apply?</p> <ul style="list-style-type: none"> Owners corporation Lessor of leasehold strata scheme Owner of lot (whether or not a development lot) Local council 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 <p>Note: Any ancillary orders under this section should be sought at the time of making an application</p>	<ul style="list-style-type: none"> Detail how and why the unit entitlements should be reallocated. If the strata plan is subdivided give lot numbers affected and all strata plan numbers. Provide: <ul style="list-style-type: none"> 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, A copy of the certificate of title or a copy of the registered strata plan that shows the present unit entitlements. 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>. All lot owners are affected and will be notified. 	No

RE: Netstrata complaint

From: Michael Raczkowski (me.raczkowski@yahoo.com.au)

To: michael.zhong@customerservice.nsw.gov.au

Date: Wednesday, 28 July 2021, 12:06 am AEST
