

Resolving disputes

A dispute in a residential land lease community may involve neighbouring home owners, an individual home owner and the operator or everybody in the community. There are a number of services available to help resolve disputes in a timely and constructive manner.

Where to start

The first step in resolving any issue or dispute is often to have a better understanding of your rights and responsibilities. Carefully read the terms of the site agreement, the community rules and any other information or documents relevant to the dispute.

If you are unsure of anything, seek information from one of the following websites (there are many useful factsheets available) or call to discuss the matter in more detail.

NSW Fair Trading

Tel: 13 32 20

www.fairtrading.nsw.gov.au

Land Lease Living Industry Association of NSW (including the Caravan and Camping Industry Association / Manufactured Housing Industry Association of NSW)

Tel: (02) 9615 9999

Internal dispute resolution mechanisms

Discuss the issue directly with the other party and seek to resolve the matter between yourselves.

Your community may have set up an internal mechanism for handling disputes. For example, it could be a disputes committee made up of residents and yourself. If such a system is in place, consider using it to resolve your dispute. However, using internal mechanisms is not compulsory and you may elect not to use them.

If the community has a residents committee you could take your dispute to the committee and ask for their help in resolving the issue. It is a matter for the committee to decide if they want to get involved and if so, the extent of their involvement.

NSW Fair Trading and other services

If your dispute cannot be resolved internally, you can use NSW Fair Trading's free complaint service. An experienced Fair Trading Officer will aim to finalise the matter through mutual agreement.

To lodge a complaint online or to learn more about this service and types of issues Fair Trading can help with visit the Lodge a complaint page of the Fair Trading website.

This is a voluntary service, except in the case of community wide disputes involving site fee increases. These site fee disputes require compulsory mediation. For details visit the Lodge a complaint page of the Fair Trading website.

NSW Civil and Administrative Tribunal

If none of the above steps are able to resolve your dispute, you may be able to lodge an application with the NSW Civil and Administrative Tribunal (the Tribunal). In some circumstances it may be appropriate to apply directly to the Tribunal, bypassing the above steps.

The Tribunal is an independent body which hears and decides applications for orders on a wide range of legislation, including the *Residential (Land Lease) Communities Act 2013*. The Tribunal usually hears matters in a quick, inexpensive and relatively informal way.

During the proceedings, the Tribunal will try to get the parties to settle their differences. If possible, you will both work out your own solution. If not, the Tribunal will make a final decision (order), which is legally binding on the parties.

To lodge an application, or to learn more about how the Tribunal operates and the list of orders that can be sought visit, the Tribunal's website

Be mindful that time limits apply for certain applications to the Tribunal.

www.fairtrading.nsw.gov.au
Fair Trading enquiries 13 32 20
TTY 1300 723 404
Language assistance 13 14 50

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

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