



# Residential communities application

CONSUMER AND COMMERCIAL DIVISION | RESIDENTIAL COMMUNITIES LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for orders under the *Residential (Land Lease) Communities Act 2013* to resolve a dispute concerning a residential community. Residential communities applications can also be lodged online with [NCAT Online](#).

Collective applications concerning increases in site fees by notice under section 71 of the Act must be made using the separate 'Residential communities collective application' form.

## File Number

Office use only

## 1. DISPUTE DETAILS

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### A. RESIDENTIAL COMMUNITY

Provide the full name, site number and street address of the residential community that is the subject of the dispute.

Name of residential community:

Site Number:

Street address:

### B. WHAT IS THE DISPUTE ABOUT?

Tick the box that best describes the dispute that is the subject of this application.

- Site fee increase    Community rule    Sale of home    Value of home    Termination of site agreement  
 Abandoned site and goods    Compensation    Other (*please specify*)

## 2. APPLICANT

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### A. APPLICANT TYPE

Tick the box that best describes the person lodging the application to the Tribunal.

- Home Owner    Tenant    Resident    Prospective Home Owner    Resident's Committee  
 Operator    Community Owner    Other (*please specify*)

### B. APPLICANT'S DETAILS

Provide details of person or company applying to the Tribunal. For multiple applicants attach details on a separate sheet.

Full name:

Business or company name (if applicable):

ABN or ACN:

Postal address:

Contact details: Daytime telephone

Mobile

Email

Do you want NCAT notices and correspondence emailed to you?

By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

### C. REPRESENTATIVE DETAILS (IF APPLICABLE)

Provide details of person representing the applicant and attach an 'authority to represent' letter.

**Tick if you have a representative and want them to receive correspondence on your behalf**

Note: You may have to ask for the Tribunal's permission to have a representative

**Full name:**

**Name of organisation:**

**Postal Address:**

**Contact details:** Daytime telephone

Mobile

Email

### 3. RESPONDENT

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Who is the application against? Provide details of person or company as shown on the site agreement. Contact details should be provided for the person who will be appearing before NCAT. For multiple respondents attach details on separate sheet.

**Full name:**

**Business or company name:** (if applicable)

**ABN or ACN:**

**Postal address:**

**Contact details:** Daytime telephone

Mobile

Email

### 4. ORDER DETAILS

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#### A. WHAT ORDERS DO YOU WANT?

Specify the section/s of the *Residential (Land Lease) Communities Act 2013* and the orders you want the Tribunal to make. Refer to the attached information for sections of the Act and types of orders that can be made.

#### B. WHAT ARE YOUR REASONS FOR ASKING FOR THE 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. EXTENSION OF TIME

Time limits apply to certain orders. An extension of time to lodge an application outside the time limit may be granted in special circumstances. Note: If an extension is not granted the application may be dismissed because it is out of time.

**Do you require an extension of time?**  Yes  No

If yes, please explain why the application was not lodged within the time limits

## 5. HEARING

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### A. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties:

### B. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 6 weeks:

### C. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

### D. INTERPRETER

**Do you need an interpreter for the hearing?**  Yes  No

If yes, specify language and dialect:

## 6. APPLICATION CHECKLIST

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- I have attached all other documents relevant to this application**  
Include all relevant information with your application. Relevant documents may include the site agreement, notices, letters and other correspondence, quotes, invoices etc. Note: A copy of this application and any attachments will be sent to the respondent.
- 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 an [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 NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.

## 7. SIGNATURE

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Applicant's signature or signature of representative.

**Name**

**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 enquires telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

## ORDERS UNDER THE RESIDENTIAL (LAND LEASE) COMMUNITIES ACT 2013

A residential communities application should request at least one of the Tribunal orders below. Please read this information completing the application form. Refer to the relevant section of the Act for more details.

### DECLARATION

Section	Orders	Who can apply?	Time limits
9	An order declaring that: <ul style="list-style-type: none"> <li>(a) a specified place is or is not a community, or</li> <li>(b) a specified agreement is or is not a site agreement, or</li> <li>(c) a specified contract, agreement or arrangement was or was not made in good faith.</li> </ul>	Any person	-

### SITE AGREEMENTS

Section	Orders	Who can apply?	Time limits
21(4)	An order requiring the operator to provide a disclosure statement	Prospective home owner	Within 14 days after request for disclosure statement was made
26(4)	An order that the operator prepare and enter into a written site agreement	Home owner	Period during which the home owner did not have a written site agreement
27(5)	An order that the operator prepare and enter into a site agreement that is in the relevant standard form	Home owner	Period during which the site agreement is in force (where agreement is not in the relevant standard form)
28(2)	An order declaring an additional term of the site agreement is void	Home owner or operator	Period during which site agreement is in force
29(4)	An order for the Tribunal to consider whether part or all of a specific term of a site agreement is void	Home owner or operator	Period during which site agreement is in force

### RIGHTS AND OBLIGATIONS

Section	Orders	Who can apply?	Time limits
37(2)(c)	An order that the operator carry out work or pay compensation due to failure to carry out work at all or to an appropriate standard to the community's common areas	Home owner	Within 90 days from date work was completed or was expected to be completed
38(2)	An order concerning the home owner's right to quiet enjoyment	Home owner	Within 6 months from date of alleged non-compliance
39(3)	An order involving entry to the residential site or home by the operator or other person	Home owner or operator	-
40(4)	An order concerning access to the community by tradespersons or service providers	Resident	-
41(2)	An order concerning access to community by emergency and home care service vehicles	Resident or representative of an emergency or home care service agency	-
42(4)	An order that an alteration, addition or replacement be carried out without the operator's consent	Home owner	-
43(2)	An order requiring the home owner to carry out work to rectify a dilapidated site or home or carry out work to rectify a health or safety risk	Operator	Within 60 days from date notice to carry out work was issued
43(3)	An order declaring that the notice to carry out work is invalid or that the period of 60 days be extended	Home owner	Within 60 days from date notice to carry out work was issued
44(4)	An order to allow additional persons to occupy the residential site without the operator's consent	Home owner	-
44(7)	An order to settle a dispute about additional occupants	Home owner or operator	-

Section	Orders	Who can apply?	Time limits
45(6)	An order concerning the sub-letting of a residential site or assignment of site agreement	Home owner or operator	-
47(3)	An order concerning secure mail facilities	Home owner	Period during which site agreement is in force
48(4)	An order concerning the planting and maintenance of trees	Home owner	Period during which site agreement is in force
48(5)	An order for the removal of a tree that has been planted without consent	Operator	Period during which site agreement entered into by the home owner responsible for the planting is in force
50(5)	An order concerning a special resolution to pay a special levy for a community upgrade	Operator or home owner	-
56(2)	An order concerning retaliatory conduct by the operator	Home owner	Within 90 days from date on which alleged non-compliance occurred

### SITE FEES

Section	Orders	Who can apply?	Time limits
64(1)	An order that the site fees payable be reduced due to a withdrawal or reduction in community amenities or facilities	Home owner	During period site agreement is in force
71(1)	An order concerning the objection to an increase in site fees by at least 25% of home owners <i>Note: Please use the separate 'Residential communities collective application' form to apply for orders under this section</i>	One or more affected home owners	Within 14 days after date compulsory mediation failed

### UTILITY AND OTHER CHARGES

Section	Orders	Who can apply?	Time limits
78(2)	An order requiring the home owner to pay: (a) an unpaid utility charge, or (b) an unpaid fee for late payment, or (c) an unpaid fee for a dishonoured payment	Operator	-
81(3)	An order concerning a utility cost notice	Home owner	Within 30 days after receiving the notice
82(3)	An order to reduce the site fees payable on grounds that: (a) the operator did not issue the utility cost notice as per section 81(2), or (b) the home owner disputes the utility costs	Home owner	Within 30 days after receiving the notice
85(3)	An order concerning the recovery of an amount mistakenly paid	Home owner or operator	-

### COMMUNITY RULES

Section	Orders	Who can apply?	Time limits
93(3)	An order that the resident comply with the community rules within a specified period and/or termination of the resident's site agreement or tenancy agreement	Operator	Within 30 days from date of end of the 30-day period that the breach of community rule was to be remedied
94(2)	An order that the operator comply with the community rules within a specified period	Resident	Within 30 days from date of end of the 30-day period that the breach of community rule was to be remedied
95(1)	An order concerning the community rules or procedure for making or amending the rules	Resident or operator	-

## RESIDENTS COMMITTEES

Section	Orders	Who can apply?	Time limits
101(2)	An order determining which body or committee is the residents committee for the community	Operator or resident	-

## SALE OF HOMES

Section	Orders	Who can apply?	Time limits
110(5)	An order that the home owner pay amount owing under the voluntary sharing arrangement	Operator	-
115(1)	An order resolving a dispute concerning the sale of the home, terms of the proposed site agreement or the proposed site fees	Home owner or prospective owner or operator or selling agent	-

## TERMINATION OF SITE AGREEMENT

Section	Orders	Who can apply?	Time limits
121	An order resolving a dispute about a termination notice	A party to a site agreement	-
123(4)	An order settling a dispute as to whether vacant possession is necessary for repairs and upgrading	Home owner	Within 90 days after receiving termination notice
124(6)	An order that the date for vacating the site given in termination notice on ground of community closure be postponed	Home owner	Within 90 days after receiving termination notice
125(3)	An order authorising the operator to give a termination notice because of a proposed change of use of the residential site	Operator	-
125(6)	An order that the date for vacating the site given in termination notice on ground of proposed change in use of residential site be postponed	Home owner	Within 90 days after receiving termination notice
129(1)	An order for termination on ground of serious misconduct	Operator	Within 30 days from date of alleged serious misconduct became known to the operator
130(1)	An order for termination and possession of residential site	Operator	-
138(2)	An order determining the value of the home for proposed sale of the home to the community owner or operator	Owner or operator or home owner	-
140(4)	An order concerning compensation to home owner for relocation of home	Home owner or operator	Within 12 months from date home installed on new site
141(8)	An order concerning compensation to home owner where home not relocated	Home owner or operator	Within 90 days from date of alleged non-compliance
142(1)	An order declaring that the home owner abandoned the residential site and for possession of residential site	Operator	-
143(2)	An order giving directions as to how abandoned home or goods is to be dealt with after site agreement is terminated	Operator	-

## MEDIATION

Section	Orders	Who can apply?	Time limits
158	An order to give effect to an agreement or arrangement arising out of mediation	Any party	-