



# Residential communities collective application

CONSUMER AND COMMERCIAL DIVISION | RESIDENTIAL COMMUNITIES LIST

Complete this form to make a collective application to NCAT under section 71 of the *Residential (Land Lease) Communities Act 2013* about an objection to increases in site fees by notice.

A schedule of affected home owners to this application and evidence of failed compulsory mediation must be attached. A collective application must be made to NCAT within 14 days after the date on which mediation failed.

## File Number

Office use only

## 1. DISPUTE DETAILS

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### A. RESIDENTIAL COMMUNITY

Provide the full name and street address including suburb of the residential community that is the subject of the site fee increase dispute.

**Name of Community:**

**Address of Community:**

### B. PARTICIPATING HOME OWNERS

A residential communities collective application must be made by at least 25% of the affected home owners who received the notice and participated in compulsory mediation (other than those who have opted out of the application).

**Number of home owners objecting to the increase:**

**Number of home owners who received the notice:**

Schedule of affected home owners to this application is attached

### C. COMPULSORY MEDIATION

This application must be accompanied by a notice from the mediator stating that mediation failed on the date specified by the mediator

**Date of mediation:**

Evidence of failed compulsory mediation is attached

## 2. HOME OWNERS' REPRESENTATIVE

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Provide full name of person/s appointed as the representative making the collective application on behalf of all affected home owners. If there is more than one representative, please provide details on separate sheet.

**Full name:**

**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.

**Do you want an Advocate to speak on your behalf?**

Note: You may have to ask for the Tribunal's permission to have an advocate.

### **ADVOCATE DETAILS (IF APPLICABLE)**

**Full name**

**Name of organisation**

**Postal Address**

**Contact details**      Daytime telephone

Mobile

Email

## **3. OPERATOR DETAILS**

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Provide details of individual or corporation as shown on the site agreement.

**Business Name**

**Contact Name**

**Postal Address**

**Contact details**      Daytime telephone

Mobile

Email

## **4. ORDER DETAILS**

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### **A. WHAT ORDERS DO THE HOME OWNERS WANT?**

The home owners may request more than one order. Refer to the information attached for sections of the Act and types of orders that can be made.

- An order declaring that the increase in site fees is excessive - section 73(a)
- An order reducing the amount of the increase by specified amount – section 73(b)
- An order setting aside the increase in site fees – section 73(c)
- An order that the site fees must not exceed a specified amount – section 73(d)
- Interim order suspending increase in site fees – section 75
- Other orders (please specify)

### **B. WHAT ARE THE OTHER ORDERS YOU SEEK?**

If seeking orders to giving effect to an agreement or arrangement arising out of compulsory mediation, please attach the outcome of mediation notice.

### **C. WHAT ARE THE HOME OWNERS REASONS FOR OBJECTING TO THE SITE FEE INCREASE?**

You must explain why the home owners 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.

## 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 the schedule of affected home owners to this application**  
Attach the schedule of affected home owners, including details each home owner's site number, current site fee, amount site fee has increased, date of last site fee increase and signature.
- I have attached the notice of unsuccessful compulsory mediation**  
A copy of the notice from the mediator stating compulsory mediation failed on the date specified by the mediator must be attached to this application.
- I have attached copies of other documents relevant to this application**  
Include all other relevant information with the application. Relevant documents may include the site agreement, site fee records, receipts, letters, notices and accounts.
- 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.

## 7. SIGNATURE

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Signature of person/s acting as representative of the home owners collectively making this application.

Name/s

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).



# Schedule of affected home owners

## NCAT CONSUMER AND COMMERCIAL DIVISION | RESIDENTIAL COMMUNITIES COLLECTIVE APPLICATION

This schedule provides details of all affected home owners to an application to NCAT under section 71 of the *Residential (Land Lease) Communities Act 2013* about an objection to increases in site fees by notice. The schedule must include the details of all affected home owners who received the notice.

This schedule also serves as the authority for the nominated representative/s (*insert names*) \_\_\_\_\_ to make the application to the Tribunal and act on behalf of the affected home owners.

Home owner name	Site number	Current site fee	Amount site fee has increased	Date of last site fee increase	S69 Mediation attempted Y/N	Signature