

Complaint about the management of the strata scheme by [REDACTED]

Issue	Correspondence received from [REDACTED] on 29 April 2018 about the management of his strata scheme and his unpaid levies.
Analysis	<p>NSW Fair Trading has referred the matter to be assessed for potential breaches of conduct by the strata manager under the <i>Property Stock and Business Agents Act 2002</i> (the Act) and the <i>Property Stock and Business Agents Regulation 2014</i> (the Regulation). Once the assessment is finalised, Fair Trading will inform [REDACTED] of the outcome.</p> <p>The Local Court has directed that [REDACTED] pay his outstanding strata levies</p>

Recommendations and Actions

Sign the attached letter to [REDACTED] which explains that Fair Trading has referred his matter for further assessment and will provide the outcome of the assessment once finalised.

➔ Commissioner's approval:



Date: 11.05.2018

Key reasons

Fair Trading will assess the concerns raised by [REDACTED]

Fair Trading informed [REDACTED] on 2 May 2018 that it will review his complaint to determine whether there has been any breach by the strata manager of the Act or Regulation. The Director, Market Relations will respond to [REDACTED].

[REDACTED] has advised that the Local Court has directed him to pay his levies

[REDACTED] informed Fair Trading that the Small Claims Division of the Local Court has directed him to pay his levies. Fair Trading is not in a position to provide advice on legal matters and has advised [REDACTED] that he may wish to seek his own independent legal advice about the options available to him.

The owners corporation may terminate the strata manager

If an owner is not satisfied with the performance of their strata managing agent they may raise this formally by writing to the secretary and asking that this is included as an agenda item at the next meeting of the owners corporation. The owners corporation may, by majority vote, approve to terminate the agreement, subject to the terms and conditions of the agreement.

If [REDACTED] is not satisfied with the decision of the owners corporation regarding the termination of the strata manager, he may consider applying for mediation with Fair Trading against the owners corporation. If mediation is unsuccessful, an application can be made to the NSW Civil and Administrative Tribunal

Supporting analysis

Fair Trading does not have the authority under the *Strata Schemes Management Act 2015* to intervene in the management or decisions of a strata scheme

The owners corporation may discuss and vote on a relevant course of action for on issues effected the strata scheme at an appropriately convened general meeting. If matters are unable to be resolved through this process, accessing the free mediation service provided by Fair Trading may assist achieve a resolution. Mediation is a structured negotiation process in which a neutral and independent mediator assists parties in a strata or community scheme dispute to achieve a resolution.

Context

Background

[REDACTED] is a lot owner in a strata scheme. He has lodged a complaint about the actions of his strata manager, claiming that they have engaged in misleading conduct and have misused proxies.

[REDACTED] also claims that as he has trade skills, he carried out work for the scheme in exchange for a reduction in his strata levies, however action was taken to recover the levies deemed unpaid.

[REDACTED] is seeking to have the managing agency agreement cancelled and the strata managing agent's licence revoked.

Approval

Prepared by: Jeremy Foo, Acting Team Leader, 9895 2758

Endorsed by: Matthew Whitton, Director, Real Estate and Property

Position	Signature	Date
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Timeline

Action	Date(s)	Working days from date received in MO
Date on letter	7 March 2018	N/A
Date on MP's letter	N/A	N/A
Received in MO	29 April 2018	0
Received in DFSI	30 April 2018	
Date(s) of contact with customer <i>(business unit to complete)</i>	2 May 2018 – Fair Trading advised [REDACTED] his matter will be referred for further assessment.	
Date(s) of contact with other party, e.g. trader, employer, solicitor, etc – please specify <i>(business unit to complete if applicable)</i>	N/A	
Finalised in DFSI <i>(MS use only)</i>		

Reference

FTMIN18/242