# Model rule for an owners corporation

## Dispute resolution

Owners Corporations Regulations 2018

The grievance procedure set out in this rule applies to disputes involving a lot owner, manager, or an occupier or the owners corporation.

The party making the complaint must prepare a written statement in the approved form.

If there is a grievance committee of the owners corporation, it must be notified of the dispute by the complainant.

If there is no grievance committee, the owners corporation must be notified of any dispute by the complainant, regardless of whether the owners corporation is an immediate party to the dispute.

The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the owners corporation, within 28 calendar days after the dispute comes to the attention of all the parties.

5A. A meeting under subrule (5) may be held in person or by teleconferencing, including by videoconference.

A party to the dispute may appoint a person to act or appear on his or her behalf at the meeting.

6A. Subject to subrule (6B), the grievance committee may elect to obtain expert evidence to assist with the resolution of the dispute.

6B. The grievance committee may obtain expert evidence to assist with the resolution of a dispute if the owners corporation or the parties to the dispute agree in writing to pay for the cost of obtaining that expert evidence.

If the dispute is not resolved, the grievance committee or owners corporation must notify each party of his or her right to take further action under Part 10 of the *Owners Corporations Act 2006*.

This process is separate from and does not limit any further action under Part 10 of the *Owners Corporations Act 2006*.

## Sample rule – Dispute resolution and communication procedures

“Manager” means the current paid or unpaid manager appointed by the owners corporation.

“Resident” means a lot owner and an occupier.

All residents are encouraged to:

1. Report immediately any damage to the building to the manager

Report any risks to safety and security to residents and the building to the manager.

Advise the manager if you are going to be away from your unit for a long period of time. Law requires that you notify the owners corporation if you are going to be away for more than 3 months.

Notify the manager 14 days prior to the commencement of renovations as some renovations cause disruption or have the potential to affect the security of other residents.

Report any issue of concern, damage, breach of law or these rules to the manager or the chairperson of the committee. However, the resident has the right to contact the other resident or residents to raise any issue of concern. The owners corporation acknowledges that communication between residents is as a practical and reasonable approach to address any day to day issues between neighbours.

Make a written complaint in the approved form setting out the complaint and whether you wish to invite the committee, manager or another party to a meeting to discuss any issue in dispute.

The owners corporation requires all residents to submit a complaint in writing to the chairperson of the committee c/- of the manager in the approved form before making an application to the Victorian Civil and Administrative Tribunal (VCAT).

The owners corporation or the committee will call a meeting within 28 days to resolve the issue or dispute and take any action it deems appropriate according to law. Any resolutions made by the owners corporation or the committee will be recorded in the minutes of that meeting and sent to all owners and residents involved.

If the issue or dispute is not resolved, the resident has a right to take further action under Part 10 of the *Owners Corporations Act 2006*.