

Instructions for completing**Application to resolve a complex dispute
(excluding lot entitlement disputes) –*****Body Corporate and Community Management Act 1997*****General instructions****Copies of the application and providing copies to other parties**

The application form and all attachments must be accompanied by three copies. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

Generally, you must give a copy of the application to all parties to the proceeding as soon as practicable, and no later than seven days after the application is filed.

Applications may be lodged

In person: Queensland Civil and Administrative Tribunal, Level 11, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

By mail: QCAT, GPO Box 1639, Brisbane 4001

Some applications may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

Applications must be accompanied by the prescribed application fee

For more information on QCAT fees, please refer to the QCAT factsheet or go to www.qcat.qld.gov.au

Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see credit card payment authorisation form – mastercard and visa accepted).

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- An application to the tribunal to resolve a complex dispute may only be brought by, or against, certain persons. The *Body Corporate and Community Management Act 1997* (BCCM Act) specifies who may apply to the tribunal for an order to resolve each particular type complex dispute (see sections 133, 149A, 149B, and 178 of the BCCM Act). Please indicate the basis on which you are making the application by ticking the relevant box.
- If there is insufficient space for the names of either applicant or respondent, you may attach additional pages with similar details.
- If the applicant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered under the *Business Names Act 1962*
 - a State agency name, for example a Queensland Government department.

Instructions for completing *(continued)*

PART A APPLICANT'S AND RESPONDENT'S DETAILS *(continued)*

- Your address will be the address at which documents are given or sent to you, unless you indicate your representative's address as your address for notices.
- Any change in your address for notices must be filed in the tribunal and served on all other parties.

Representative's details

If you want your representative's address as the address for notices, please complete your representative's details and tick the box.

If you want your representative to represent you in any proceedings before the tribunal you must complete the form *Application for leave to be represented*. Generally the tribunal expects people to represent themselves. It may not grant your request.

You are not required to seek leave if:

- you are a child or a person with impaired capacity
- your case is a disciplinary case
- an Act or the Rules state that you may be legally represented.

PART B BODY CORPORATE/COMMUNITY TITLES SCHEME INFORMATION

The full name and address of the community titles scheme and the community titles scheme number must be provided. Please include a copy of a title search for the scheme with your application.

PART C GENERAL DISPUTE DETAILS

Please indicate what type of complex dispute your application relates to by ticking the relevant box/es.

Note: This application form is used for all complex disputes except disputes about the adjustment of lot entitlements. To apply for an order for the adjustment of lot entitlements, please use the form – Application for tribunal hearing – *Retirement Villages Act 1999*.

PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If you are seeking injunction relief, interim orders or a stay of the body corporate contract, please tick the relevant boxes and provide details.

State what orders you are seeking from the tribunal and why you consider the orders sought should be made. Include a clear outline of the history and nature of the dispute.

Form Number 28 (version 1)
Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Application to resolve a complex dispute (excluding lot entitlement disputes) – *Body Corporate and Community Management Act 1997*

Refer to attached instructions at the front of this application
prior to filling out this form.

For office use only

Case number:	
Date:	
Registry:	
Sent to:	
Fee paid:	
Rec no:	

PART A APPLICANT'S DETAILS

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

() <input type="text"/>

Email

PART A APPLICANT'S DETAILS *(continued)*

Representative's details *(if applicable)*

- Tick if you want this to be your address for notices
- Tick if you want your representative to represent you in proceedings before the tribunal *(see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the form Application for leave to be represented)*. The tribunal may not give you leave to be represented.

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

 ()

Email

Applicant is *(please tick)*

- body corporate
- body corporate manager
- caretaking service contractor
- letting agent
- service contractor

PART A RESPONDENT'S DETAILS

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Email

Representative's details (if applicable)

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
----------------------	-----------------	----------------------

Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

PART A RESPONDENT'S DETAILS *(continued)*

Respondent is *(please tick)*

- body corporate
- body corporate manager
- caretaking service contractor
- letting agent
- service contractor

PART B BODY CORPORATE/ COMMUNITY TITLES SCHEME INFORMATION

Title search must be attached.

Name of scheme

Community titles scheme No.

Scheme address
 Postcode

PART C GENERAL DISPUTE DETAILS

The application relates to *(tick applicable)*:

- a dispute arising out of a review of terms of service contract (BCCM Act, section 133)
- a dispute about the transfer of management rights (BCCM Act, section 149A)
- a dispute about a claimed or anticipated contractual matter (BCCM Act, section 149B)
- a dispute about a review of exclusive use by-laws (BCCM Act, section 178)

PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If there is insufficient space here, please attach additional pages.

1. In relation to the body corporate contract *(tick if applicable and provide details)*:

- I am seeking a stay of the contract
- I am seeking injunction relief/interim orders

PART E CHECKLIST AND SIGNATURE

- I have completed all questions on the application form according to the instructions.
- I have provided the correct number of copies of the application form and attachments (for the number of copies required – see the instructions).
- I have attached the required title search.
- I have attached relevant supporting documentation.
- I have paid the prescribed fee.
- I am ready to proceed with this application.

Interpreter

Is an interpreter required?

- Yes No

If YES, please specify language

Warning

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information.

Maximum penalty for such an offence – \$10,000.

SIGN AND DATE HERE

The information in this application is true to the best of my knowledge.

Applicant/s sign here

Date

If more than one applicant is named all must sign the application.