

How lot owners can seek help from the State Administrative Tribunal in a strata dispute

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It has always been the case that a proportion of the people who live in or manage strata lots fall into some kind of disagreement. Some of these end up being intractable and need third party intervention.

The recent amendments to the *Strata Titles Act 1985 (WA) (Act)* gave the State Administrative Tribunal (**SAT**) sole jurisdiction for the resolution of strata disputes. Those amendments, which came into effect on 1 May 2020, have solved some of the legalistic problems that had previously dogged strata disputes. They have also given more scope for seeking help from the SAT to resolve strata disputes.

This article provides a brief overview on how to apply to the SAT as a lot owner.

How do I start an application?

Applications to resolve a dispute in the SAT are made through the online [eCourts portal](#).

Certain documents will be required in electronic form to complete the application. As lot owners, applicants can expect to include a recent copy of their strata plan, certificate of title for their lot and a copy of each notification of a change in by-laws.

The exact documents required to complete the application will be indicated in the application portal.

Applicants will also need to provide their personal and contact details, and details of whom the application is being made against. That might be another lot owner, the strata manager or even the strata company.

How do I determine the relevant section of the Act to apply under?

When making an application through eCourts, the application portal will walk you through what section of the Act is most applicable. However, if you are unsure at any time, it is best to seek legal advice.

What happens once I file the application?

After the application is made, the matter will be scheduled for an initial directions hearing approximately two to three weeks after the application date. The presiding Tribunal member will send out the requisite details to each party to attend the hearing.

The purpose of the initial directions hearing is for the Tribunal member presiding over the matter to make efficient and fair procedural directions as to how to proceed with resolving the dispute.

At the directions hearing, the Tribunal will work through preliminary matters. This may include such matters as considering whether the matter should be referred to mediation, or whether parties are required to attend a compulsory conference to help clarify the issues in the dispute.

What hearings or conferences will I have to attend?

The person bringing the matter before the SAT will have to attend the initial directions hearing for their dispute as mentioned above. The other party should also be present.

There may be further hearings scheduled based on the outcome of the initial directions hearing. In this case, the parties may have to attend a mediation conference, a compulsory conference or a final hearing.

Will I have to pay any fees?

The person bringing the matter before the SAT will be responsible for any filing fees and fees incidental to the subsequent proceedings. This includes a lodgement fee required to successfully lodge your online application.

For more information on the actual and potential costs involved in bringing a matter to the SAT, read our article '*Strata disputes: Who pays for the State Administrative Tribunal process?*'

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What do I need to consider?

Anyone wanting to approach the SAT to resolve a strata dispute should bear the following cautionary notes in mind.

Though the SAT prides itself on being more informal than a court, the process nevertheless has similarities to court proceedings. Conducting a case in the SAT will similarly require time, effort and mental resilience. Add to that the costs of lawyers if they are engaged.

Like the courts, it is best to look at the SAT as a last resort, not the first tool you reach for.

You might win a case but alienate those you fought with. Think carefully about the reasons for wanting to approach the SAT. Make sure they are sound ones.

Getting legal advice at the outset should help clarify whether your specific situation would be suitable for resolution by the SAT.

Conclusion

Under the recent *Strata Titles Act 1985 (WA)* amendments, the SAT has become a 'one-stop shop' for the resolution of strata disputes.

The use of the eCourts portal aims to ensure that applying to the SAT for the resolution of a strata dispute is not a daunting process.

For more information regarding the application process, please visit the [SAT website](#).

Contact

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