



NATIONAL WEBINAR

Challenge Accepted:
Challenging People In Strata
– And How To Deal With Them

STRATA SOLVE UNTANGLING
STRATA
PROBLEMS

09 February | 10 AM AEDT

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LookUpStrata

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NUISANCE

NUTTER

DERANGED

PEST

MORON

DIFFICULT



- What makes someone in strata 'challenging'?
- Some follies
- Case Study
- A different approach
- Best practice
- Q and A



What makes someone in strata ‘challenging’?

- Information asymmetry
- Cultural barriers
- Medical conditions
- External (personal) circumstances
- Perceived, prior wrongs



a lack of good judgment; the fact of doing something stupid; an activity or idea that shows a lack of judgment



Some follies

- The Folly of legislating for behaviour – or lack thereof...

The occupier of a lot included in a community titles scheme must not use, or permit the use of, the lot or the common property in a way that—

(a) causes a nuisance or hazard; or

(b) interferes unreasonably with the use or enjoyment of another lot included in the scheme; or

(c) interferes unreasonably with the use or enjoyment of the common property by a person who is lawfully on the common property.



Some follies (cont'd)

- The Folly of using legal proceedings to address challenging people
- The Folly of labelling people:
 - People *can* change
 - Labels limit options



Case Study: Smokin'...





Case Study

- Artique [2021] QBCCMCmr 596 (21 December 2021)
- Owner v owner
- Smoking on balcony, drifting up
- Lengthy history of dispute



Case Study (cont'd)

- *'I do not consider that it could fail to act simply because it thought it was not its responsibility to decide if the by-law had been breached or that it was just a matter between residents.'*
- Learning? Earlier intervention + fulsome consideration of substance of issue + avoiding labelling = avoiding a major, public, unresolved drama
- The labels: 'chain smoker', 'it's between two owners'



A different approach

- Profiling
- Focus on communications: frequency, tone, type
- Facilitated discussions



A different approach (cont'd)

- Lobbying
- Mediation
- Proceedings...but only if:
 - All else is exhausted; and
 - There is strong resolve; and
 - There is resilience; and
 - Eyes are wide open



Best practice

1. Pause – Reflect – Regather
2. Have They Actually Got a Point?
3. Banish Ambiguity and Email Wars
4. Seek Qualified Advice
5. DECIDE, IMPLEMENT, and STAND BEHIND IT



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QUESTIONS?



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