

Managing property properly

The Community Schemes Ombud Service and disputes

I remember studying the Roman Law maxim *Communio est mater rixarum*, which means “Co-ownership is the mother of disputes”. How true this is in community schemes!

In this article, we will take a look at how the Community Schemes Ombud Service (“the CSOS”) defines disputes in community schemes.

What is a dispute?

The Community Schemes Ombud Service Act (“the CSOS Act”) defines a dispute as being one in regard to the administration of a community scheme, between persons who have a material interest in that scheme, of which one of the parties is the association, owner or occupier, acting individually or jointly.

Which disputes do the CSOS deal with?

CSOS deals with a range of disputes, which fall within 7 different categories of the types of Orders that the CSOS appointed Adjudicator can make in dealing with an application for dispute resolution.

The CSOS deals with:

- 1. Financial issues such as the correction of unreasonable contributions;
- 2. Behavioural issues such as the removal of pets;
- 3. Scheme governance issues such as confirming that scheme governance provisions are invalid;
- 4. Disputes relating to meetings and resolutions such as the requirement that a scheme hold a meeting;
- 5. Management services, such as the appointment of an executive managing agent;
- 6. Physical works, such as the carrying out of repairs; and
- 7. General or other issues, such as access to information.
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What happens if the dispute falls outside of the specified orders?

The types of disputes set out in the categories of orders that can be made is not an exhaustive list, and therefore the Chief Ombud of the CSOS may propose a suitable Order which the appointed Adjudicator can make in the circumstances.