

Application for mediation of a lease or bond dispute

Who are we?

The NSW Small Business Commission (NSWSBC) provides information and advice to lessees, lessors, and anyone else involved in a small business disputes. We organise mediations between parties, if the dispute cannot be otherwise settled.

We can assist with information about entering a retail lease, bonds, damaged premises, rent increases and arrears, and other aspects of retail leasing.

We do not give legal advice.

Resolving a retail lease dispute

Negotiate

Gather the information to inform the other party of the details of this dispute.

Discuss the problem with the other party and try to negotiate a settlement of the dispute. You may also like to talk to a solicitor or business advisor.

Mediate

Mediation is required by the *Retail Leases Act 1994* prior to going to a court or tribunal to have the matter decided.

Approximately 90% of matters filed with us will not need to go to court for a decision.

After you submit an application

We will select an appropriate mediator from the NSWSBC panel, and organise a date for mediation that suits both parties and the mediator. We aim to organise the mediation for a date within 3 - 5 weeks from the date we receive the application.

Mediations are generally held in government offices within travelling distance of the rented premises.

If you are able to reach an agreement with the other party prior to mediation, you may cancel the mediation. Please note that there is a cancellation fee of \$456 unless we have at least 3 working days notice before the scheduled mediation.

What is mediation?

Mediation is an informal process where parties try to negotiate a lasting agreement that both parties can live with.

Mediation is confidential. Nothing said in mediation can be used in court.

Mediation is cheaper, quicker and often less stressful than going to court.

If you don't reach agreement

If you and the other party cannot settle the dispute, either at the mediation or soon after, you can apply in writing for a "Certificate that Mediation has Failed to Resolve the Dispute" from the Registrar of Retail Tenancy Disputes.

When you have the certificate, you can apply to have your dispute heard in an appropriate court.

If you are unable to reach a settlement on the day of mediation, you may still try to settle the matter privately, outside of the formal mediation process.

Cost

The cost of the mediator is shared equally between the parties. The cost is \$152 (inc. GST) per party per hour.

You must pay for 5 hours in advance (\$760).

We will refund for any hours not used after the mediation has finished.

If you or the other party need an interpreter at the mediation we will arrange one for you free of charge, upon request.

We can also assist with other special needs if you let us know prior to the mediation.

Applying for mediation

1. Fill out this application form
2. Attach your lease, disclosure statement, contract or agreement between the parties and any other relevant documents
3. Email: we.assist@smallbusiness.nsw.gov.au
or
Mail: NSW Small Business Commission
PO Box W275 Parramatta NSW 2150

Note: there is no fee to apply for mediation.

For more information

Visit our website: www.smallbusiness.nsw.gov.au

If you need an interpreter call 131 450 and ask them to contact us on 1300 795 534.

1. Applicant's details (Your details)

Please enter details as per the lease or agreement.

<input type="checkbox"/> Lessor	<input type="checkbox"/> Lessee	<input type="text"/>	Other (specify)
Name of company / person(s)		Include ABN / ACN if applicable	
<input type="text"/>		<input type="text"/>	

Does applicant have an Agent / Representative?

Yes No

Agent / Representative company name(s)

Contact first name

Contact last name

Does applicant have a solicitor?

Yes No

Solicitor / Firm name(s)

Contact first name

Contact last name

Who is the best person to discuss this application on your behalf?

Please provide full contact details

Company name(s)

Contact first name

Contact last name

Postal address

Suburb

Postcode

Phone number

Email address

What is their role?

Lessor Lessee Agent Solicitor Other (specify)

Do you require an interpreter? If yes, which language?

2. Respondent's details (The other person / Company)

Please enter details as per the lease or agreement.

<input type="checkbox"/> Lessor	<input type="checkbox"/> Lessee	<input type="text"/>	Other (specify)
Name of company / person(s)		Include ABN / ACN if applicable	
<input type="text"/>		<input type="text"/>	

Does respondent have an Agent / Representative?

Yes No

Agent / Representative name(s)

Contact first name

Contact last name

Does respondent have a solicitor?

Yes No

Solicitor / Firm name(s)

Contact first name

Contact last name

Who is the best person to contact to discuss this application on behalf of the Respondent (the other side)?

Please provide full contact details

Company name(s)

Contact first name

Contact last name

Postal address

Suburb

Postcode

Phone number

Email address

What is their role?

Lessor Lessee Agent Solicitor Other (specify)

Do you require an interpreter? If yes, which language?

3. Details of the shop

Address of shop:

Shop / Unit No.	Street No.	Street name
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Other address information

Permitted use

When did the lease start: Date / /

Bond number (if any):	Amount of bond (if any):
<input type="text"/>	\$ <input type="text"/>

Type of premises?

<input type="checkbox"/> Stand alone shop	<input type="checkbox"/> Shopping Centre	<input type="checkbox"/> Ground floor strata retail	<input type="checkbox"/> Other commercial space
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What is the dispute about? What issues would you like to raise at mediation?

NB All details provided on this application form will be provided to the respondent(s)
(Attach extra pages if necessary)

What do you hope to achieve from mediation? How would you like the dispute to be resolved?

Attach extra pages if necessary

Total amount of claim \$

4. Attachments

You should attach a copy of the lease and other documents which are relevant to the dispute.

Please label each attachment with letters A, B, C, etc.

List the attachments below, or attach extra pages if necessary

5. Declaration

I hereby declare the following:

- The information provided in this application form is true and accurate so far as I am aware;
- I am legally authorised to sign this application for and on behalf of the applicant;
- I undertake to pay my share of the costs of the mediator on the day of mediation, and;
- I consent to my application and attached documents being provided to the other party and the mediator under section 26(2) of the *Privacy and Personal Protection Act 1998* (NSW).

First name

Last name

Position / Authority

Signature

Date

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Please send completed form to:

Email: we.assist@smallbusiness.nsw.gov.au

or

Mail: NSW Small Business Commission
PO Box W275 Parramatta NSW 2150

Contact information:

NSW Small Business Commission

Hours 8:30am – 5:00pm Monday to Friday

Website www.smallbusiness.nsw.gov.au

If you need an interpreter call 131 450 and ask them to contact us on 1300 795 534.

Privacy policy

The information you have provided in this form will be collected and used by the NSW Small Business Commission for the purpose of responding to your enquiry. Providing personal information is not required by law but if I choose not to provide the requested information, the NSW Small Business Commission will not be able to contact me about my enquiry. I can request access to any of my personal information held by the NSW Small Business Commission at any time by asking to speak to their Privacy Coordinator.