



Application for mediation of a lease or bond dispute

Resolving a retail lease dispute

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 aim to organise the mediation for a date that suits both parties and the mediator 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.

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 a retail lease 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. Each party will be asked to pay \$330 (incl. GST) for the mediation.

Parties may be asked to pay further fees if the mediation goes over 4 hours.

Please note that there is a cancellation fee of \$456 unless we have at least 3 working days notice before the scheduled mediation.

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.

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?

Agent / Representative company name(s)

Contact first name	Contact last name
<input type="text"/>	<input type="text"/>

Does applicant have a solicitor?

Solicitor / Firm name(s)

Contact first name	Contact last name
<input type="text"/>	<input type="text"/>

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

Postal address

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

Phone number	Email address
<input type="text"/>	<input type="text"/>

What is their role?

<input type="checkbox"/> Lessor	<input type="checkbox"/> Lessee	<input type="checkbox"/> Agent	<input type="checkbox"/> Solicitor	<input type="text"/>	Other (specify)
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Do you require an interpreter? If yes, which language?

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

You can add multiple respondents by copying this page or attach details separately

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 / /

Type of premises?

Stand alone shop Shopping Centre Ground floor strata retail Other commercial space

IMPORTANT - Disputed Bond Claims

Are you applying for mediation to dispute a bond claim? Yes No

Have you received a Notice of Bond Claim? Yes No

IMPORTANT: For any questions or assistance you require about a bond, please contact NSW Fair Trading Rental Bonds directly. They can be contacted on **133 220** or
By email to bondclaims@customerservice.nsw.gov.au

You must notify NSW Fair Trading Rental Bonds directly if you wish to suspend or dispute payment of a bond.

4. 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 estimate of claim \$ (excluding interest and costs)

5. 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

6. 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 Information Protection Act 1998* (NSW).

First name

Last name

Position / Authority

Signature

Date

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Contact information:

NSW Small Business Commission

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 collection notice

Refer to our [privacy collection notice](#) for more information.

Please email the completed form to we.assist@smallbusiness.nsw.gov.au