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## Self resolution for disputes

If you have a dispute with the body corporate, the committee or another owner or occupier you must try to resolve it with the other party first.

This is known by the Office of the Commissioner for Body Corporate and Community Management (the BCCM Office) as self resolution or internal dispute resolution. It is any reasonable steps taken by you to resolve the issue within the body corporate before making a formal dispute resolution application.

It can involve you:

- communicating with the other person (preferably in writing, as this may be needed as evidence of self resolution later on)
- presenting a motion to the committee
- presenting a motion to a general meeting.

You may need to try all of these, depending on who your dispute is with, what it is about and how hard it is to resolve.

### Get the committee involved

If the committee can make a decision on your issue the first step may be to write to them outlining the matter and your request (this is called a motion).

Sometimes the committee may not be able to make a decision— for example where an owner wants to make an improvement to the common property for the benefit of his or her lot and the work is valued at more than \$3,000.

You may have to submit a motion to the next general meeting if the committee cannot make a decision.

Whenever you contact the committee (or the body corporate manager) you should do so in writing.

### Benefits of self resolution

If you can resolve a dispute among yourselves it will:

- stop the issue from getting more serious
- be faster and cheaper
- lead to better relationships
- stop further disputes (or make them easier to resolve).

## A successful result

Here is an example of how a dispute was resolved successfully.

A lot owner (J) often let water run off her balcony after watering her plants with a timing device. The lot owner below (M) complained that water poured from rainwater spouts into his courtyard and onto his BBQ and furniture.

The body corporate committee, responding to a letter with a written motion from M, asked J to either stop watering or remove the plants. J refused, saying that it was her right to maintain plants in her own home and that the spouts were there to drain water from her balcony.

The argument got worse. J and M were yelling at one another whenever they were outside.

J said she was proud of her plants and didn't want them removed because they provided screening and a good environment for her unit.

M said he had recently bought the BBQ and furniture, and enjoyed entertaining. He felt that the overflow from the watering was at its worse when he had guests.

The committee helped J and M discuss the issues and reach an agreement. M agreed to move his furniture. J agreed to buy trays to put under each plant, to put in water-retaining soil, and to water less. J also agreed to change the timing device so plants weren't watered when M was likely to be entertaining.

## If self resolution fails

You can apply for dispute resolution with us if self resolution fails. In most cases you must attempt conciliation as the compulsory first step in dispute resolution.

In conciliation an impartial person (a conciliator) with knowledge of the *Body Corporate and Community Management Act 1997*

(<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1997-028>), helps those involved in a dispute to negotiate their own resolution.

Conciliation normally involves either a face-to-face meeting or a teleconference between you, the other parties and the conciliator.

You will be asked to show that you have tried self resolution before you can apply for dispute resolution.

Read about conciliation for body corporate disputes (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/conciliation>).

## More information

See practice directions for more on body corporate dispute resolution.

- [Practice direction 1—evidence of a dispute](https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/32ac346f-0986-448a-8662-07ae8c1bc0b5)  
(<https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/32ac346f-0986-448a-8662-07ae8c1bc0b5>).
- [Practice direction 7—conciliation process](https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/cd397789-7cf9-47e8-b666-4327a1e8b86b)  
(<https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/cd397789-7cf9-47e8-b666-4327a1e8b86b>).
- [Practice direction 13—adjudication process](https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/d9b6f2fe-2fca-4edc-aa16-420931a6cab0)  
(<https://publications.qld.gov.au/dataset/practice-directions-bccm/resource/d9b6f2fe-2fca-4edc-aa16-420931a6cab0>).

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## Further questions?

If you have further body corporate questions you can [submit an enquiry](#).

(<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/services/enquire>) or phone the information service on [1800 060 119](tel:1800060119) (freecall) (<tel:1800060119>).

We cannot give legal advice or rulings—we can only give you general information on body corporate legislation.

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