

**7<sup>th</sup> Australasian Housing Researchers' Conference**  
**6<sup>th</sup> – 8<sup>th</sup> February 2013**  
**Esplanade Hotel, Fremantle, Western Australia**

**Complaints and disputes among occupants within apartment  
developments**

**Perry Forsythe**

University of Technology Sydney

**Hera Antoniadis**

University of Technology Sydney

**Corresponding author:**

Perry Forsythe

[perry.forsythe@uts.edu.au](mailto:perry.forsythe@uts.edu.au)

**Abstract:**

Large apartment developments are like mini-communities – there are a wide variety of relationships and networks within, and both complaints and disputes are common. Such situations come at a significant emotional and financial cost to the individuals involved. There is also an overflow effect on both the collective apartment owners and the broader community – especially where disputes escalate to formal tribunal and court hearings. The purpose of this study was to investigate the underlying features of complaint and dispute behaviour including the proximity between disputing parties, the *situational context* and the *residual triggers* causing complaint and disputes to occur. The emphasis was on an exploratory pilot study, aimed at determining if predictable patterns existed and if so, whether these were worth pursuing on a broader scale, or not. The methodology utilised a case study of a large apartment complex of 108 separate apartments, where complaint and dispute records were analysed over a 10 year period. These were then mapped onto the apartment layout. Data arising from this was coded into thematically consistent categories and then quantitatively analysed using descriptive statistics. With regard to the proximity of complaints and disputes there was an occasional pattern whereby noise can be attributed to close proximity complaints, but there is no evidence that this leads to formal dispute. The originality of the research is in providing quantitative insight into the current gap in knowledge concerning complaint and dispute behaviour amongst residents living in higher density housing in Australia. Revealed patterns create the ability to use more targeted dispute resolution methods with a view to maintaining harmony within higher density residential complexes.

**Keywords:** Apartment living, Disputes, Harmonisation, Proximity

## INTRODUCTION

During the early 1960's, concerns regarding population growth and urban consolidation prompted the government to consider alternative forms of property ownership for medium and high-density living. Therefore, to facilitate this vision, a different form of property title ownership, known as Strata Title evolved.

The first strata property titling laws were introduced into New South Wales in the early 1960's. It is by far the most commonly used form of high density residential property ownership in New South Wales. The term "strata" refers to the cubic air space within an allocated boundary, such as an apartment (Strata Schemes-Freehold Development Act 1973-Section 5). The portion of air space that it defines is known as a "lot" which coexists with other lots to make up a "strata scheme" for an entire complex. The specifications of the strata scheme are detailed in a "Strata Plan" which is lodged with a government run agency, Land & Property Information NSW (Land & Property Information 2013), as a permanent record of property ownership and associated usage rights.

Given the above, a strata scheme may represent a building or a collection of buildings, and generally the scheme can vary in size from only 2 lots, to over 700 lots. The strata scheme can be either residential, or non-residential, or a mixture of both. The ownership of the common property, for example stairs and hallways, is shared amongst the owners of the lots, and the lot owners are collectively referred to as the "owners' corporation".

The owners' corporation is responsible for the maintenance and repair of the common property and the overall management of the scheme. Strata levies are charged to each lot owner, and are based on the unit entitlement of each lot, and the budgeted forecast of the strata scheme. This budgeted forecast includes both the administration fund, for day-to-day operating expenses, and the sinking fund, which is concerned with long-term capital expenditure. Generally, strata schemes will be managed by a Strata Manager – a role which is typically undertaken by an external service provider.

From the 1960's to the early 1980's strata buildings were predominantly 3 storeys high, did not require an elevator, and favoured shared laundry facilities. In later years with the emergence of medium and high rise apartments, there was little consideration concerning the design of the complex to encourage community living and harmonisation. Therefore, with such a wide variety of relationships and networks within an apartment complex, disputes became common. As with most disputes that occur at a personal level, there can also be significant emotional and financial cost to the individuals involved. Further, an overflow effect can potentially impact on the owners' corporation and possibly other parties as well. This is especially the case, where disputes that cannot be successfully handled internally, are escalated to external parties for resolution.

The first level in dealing with strata complaints and disputes is typically internal insofar as the issue may be resolved by negotiation between specific parties or more formally registered with the strata manager for action. At the next level is the Consumer Trader and Tenancy Tribunal (CTTT) which is a government body set up to formally hear strata related disputes. The CTTT falls under Fair Trading NSW (CTTT 2013) who also administers the Consumer, Trader and Tenancy Act 2001 and the Strata Management Act 1996 (NSW Fair Trading 2012). Above this, the highest level concerns court mechanisms for resolution.

There appears to be little existing quantitative data that delves into detail about the nature of such complaints and disputes. Even so, some over-viewing observations can be made about the scale of the problem based on published CTTT dispute lodgement data (CTTT 2013). For instance, the 2007 to 2012 financial year period indicates a 6.4% increase in dispute lodgement applications (Fair Trading NSW Annual Reports 2007 & 2012). Further,

there were 1,417 (Fair Trading NSW Annual Report 2012) strata related disputes lodged during the 2011-2012 financial year. Such disputes can be lodged by the individual owner of a lot – such as an apartment owner - or can be lodged by the owners' corporation (as a group). Pursuant to this, 69.36% of lodged disputes were from individual lot owners, 29.14% from owners' corporation, and a further 1.5% from either occupiers of a lot or other miscellaneous parties. These percentages indicate the extent to which individual lot owners are involved in disputes. A summary categorising the type of disputes dealt by the CTTT for 2011-2012 is useful in further articulating the problem. For instance 52.04% applications lodged for adjudication were for general orders and property which included issues such as noise, smell, parking and rubbish. Data from Fair Trading NSW does not separate this into smaller groupings and so it is not possible to determine which issue within this cluster had the highest level of applications. Governance matters related to 29.82% of applications lodged for adjudication and 1.57% were attributed to financial issues. Interim orders were also issued – 16.57% - as a preliminary occurrence, which occurs prior to a dispute proceeding to formal hearing within the adjudication process. Therefore, this last cluster could relate to either general orders, governance or finance.

Given the above, it can be said that there is limited quantifiable data in the extant literature and hence there is reason to undertake detailed enquiry with a view to improving harmony among occupants within high density residential complexes. The objective of the paper is therefore to explore and seek predictable patterns in the underlying nature of complaints and disputes; the extent to which such issues cause interpersonal or group issues; and whether or not such residents live in close proximity to each other.

If such patterns exist, then dispute resolution could be managed in a more targeted way. For instance, close proximity disputes may include a greater need to resolve emotive issues between disputing parties, whilst other disputes may be handled in a more objective way. Under this scenario, different types of dispute resolution could be enlisted according to express needs. In New South Wales, there are various mechanisms available for the disputing parties to access, in an attempt to resolve issues at the initial level of conflict. Therefore, the purpose with identifying the proximity pattern is to enable the most effective and appropriate manner to deal with the issues raised.

Alternatively, the issues might relate to the strata complex governance and organisational aspects, building design and quality of materials and workmanship, notions of community formation and harmony. In this scenario a proximity pattern would be a secondary consideration, and this is discussed further in the analysis section of this paper.

The next part of the research paper discusses the literature pertaining to strata living issues amongst residents. The research is drawn from both the national and international perspective.

## **LITERATURE REVIEW**

Dense residential living patterns are now evidenced in most countries around the world. It is interesting but not surprising that a variety of literature has emerged on matters such as the management of the strata schemes (Guilding & Whiteoak 2008; Warnken & Guilding, 2009), the simplification of the strata laws (Dredge & Coiacetto 2011) and the legislation, governance and management of strata developments (Sherry 2010, Everton-Moore et.al.2006, Gibbon 2013).

Despite the above, authors such as Easthope & Randolph (2009) and Baker (2011), identify the lack of detailed empirical research about residents' perspectives when living in medium density residential environments. Dredge & Coiacetto (2011) point to the importance of

“notions of community” but even so, there is very little research that delves into the mechanics of how and why disputes develop amongst occupants in strata developments, and how to manage these disputes.

Whilst structured regulation cannot fully address this issue, it does provide public consultation which exposes underlying issues of relevance to residents in strata complexes. For example, in 2011, the NSW Government commissioned an on-line consultation forum which was hosted by Global Access Partners (NSW Fair Trading 2012). There were more than 1,900 submissions and comments for strata complexes including issues relating to building defects, cigarette smoking and parking problems. Such issues are similar to research undertaken by Easthope & Judd (2010), where findings concluded noise, smells, parking and shared common areas raised considerable impact on the residents satisfaction in high-rise apartment living.

Further, in September 2012, a discussion paper was released by Fair Trading NSW, outlining options for possible reform to the strata laws (NSW Fair Trading 2012) and stakeholders were invited to provide additional comment. The government reviewed all submissions during February and March 2013, and are now in the process of preparing draft reform proposals to be released for public consultation, later in the year.

New Zealand has also experienced similar issues with the need to simplify their strata laws, citing problems such as issues with the owners’ corporation, out-dated legislation, lack of clarity with regards to “roles and responsibilities of owners, managers and other stakeholders”, poor workmanship and building materials, design issues and so on. It is no co-incidence that New Zealand and Australia have experienced similar problems with their strata laws since the New Zealand legislation evolved from the Australian model (Dupuis & Dixon 2004).

Similarly, Korea’s public apartments have experienced problems such as social exclusion and conflict, with literature suggesting the building plan as the issue underlying the problem. (Lee et.al. 2010). The authors undertook a survey of the occupants who responded positively with the suggestion of common areas to promote “communal culture” from within the complex and also to interact with non-residents of the complex. This notion of social exclusion was also considered by Gifford (2007) who looked into the social and psychological influences of buildings. For instance he proposed that residents in high rise apartments would have fewer friendships in the building, would help each other less, and there would be a greater fear of crime; in contrast, residents who occupied low-rise apartments would probably achieve a greater level of apartment living satisfaction.

Though Gifford’s proposition is not grounded with quantitative evidence, it is interesting to separate apartment living into high-rise and low-rise categories because of the implication that high density living may affect the quality of social interaction among occupants. For instance in the context of the current study, the low-rise category can be likened to townhouses, villas, terraces, and semi-detached dwellings, where there are less neighbours in close proximity to each other. It is also noteworthy to mention, that currently in New South Wales, the strata laws do not differentiate between high-rise and low-rise complexes.

Earlier research by Yip and Forrest (2002) investigated tensions and conflicts within high rise apartments in Hong Kong, and concluded there was a greater need for “coercive participation and collective action” from residents living in an apartment complex when compared to private home ownership. The authors were of the opinion that excessive regulation was detrimental to the promotion of participation and democracy within the decision making process for the management of their apartment. For instance, in Hong Kong a large majority of votes is required to change existing rules and therefore disadvantage the minority in the complex. In contrast, the strata laws in New South Wales

provide for a basic set of model by-laws which are adopted for all strata complexes as a starting point,

In response to the need for urban consolidation, high rise apartments have become quite common in large cities, such as Sydney. Research undertaken by Easthope and Judd (2010) highlighted the need for “quality of life and residential satisfaction” for higher density residents. City Futures (Easthope & Judd 2010) undertook a preliminary survey of executive committee members from strata schemes in NSW, and identified the top two causes of complaints being noise, approximately 55%; and smells approximately 29%. Along a similar line, Easthope and Judd (2010) identified complaints such as inadequate conditions for families with children, noise, and restrictive governance on lifestyle relating to high rise apartments. Of note, it would seem that complaints such as noise and smells may be more of an issue for those living in close proximity, than those with a greater distance of proximity.

Social interaction and community well-being has also been highlighted as an important consideration for resident satisfaction within the apartment complex (Easthope and Judd 2010; McKenzie 2004; Sivam & Karuppanan 2009). Additionally, selected research suggests the existence of a link between positive social interaction and high rise apartment living (Bramley & Power 2009). However, this is contradictory to earlier research mentioned in this paper by Gifford (2007) and Lee et.al. (2010) who suggest that residents in high rise apartments would have fewer friendships within the complex. A possible explanation for this contradiction might be the opportunities available within some high-rise complexes for the residents to socialise and interact with their neighbours within common areas such as a pool, BBQ, lobby, function room, and other open area spaces (Henderson-Wilson 2008; Easthope and Judd 2010).

As discussed earlier in this paper, dispute resolution and mediation is available with the CTTT. However, Leshinsky and Mouat (2012) recommended the approach of encouraging collaborative decision-making rather than the use of strict rules which may appear to be unnecessarily harsh. However, research in this literature review indicates issues such as illegal parking, excessive noise and food smells, which would seem to offer little opportunity for compromise. There is also the possibility that the offending residents are unaware of the impact of their actions with other occupants, however, without any data evident in the existing literature, this thought can only be an assumption at this stage.

In 2011, Leshinsky et.al. studied a strata scheme complex in Victoria, and determined that conflicts fell into the category of either “quality of life” or “financial disputes”. The authors surveyed strata managers who indicated dissatisfaction with the procedures for resolving disputes, and considered knowledge for dispute and conflict resolution an important asset for strata managers to acquire, in order to effectively manage strata complexes.

Whilst there has been scant literature written with regards to proximity of neighbours involved in disputes, Grosberg (2003) sought to identify the advantages of mediation to resolve disputes. He proposed a correlation based on the premise of the “propinquity” of residents, when compared to neighbours in detached housing - a topic that is well aligned with the intent of this study. The author considered two possible circumstances (as relevant to the current study) for an increase in disputes. Firstly, the premise of more people living together in a compressed area when compared to a freestanding house; and secondly the notion that renters will not respect and look after the property in the same manner as an owner occupier. Though these offer potentially interesting insights into the nature of disputes in high density living, it is notable that Grosberg did not quantitatively test these propositions and so it remains unclear regarding the validity of these propositions.

Given the previous discussion, it seems clear that the literature acknowledges the need to explore more deeply the nature of complaints and disputes in high density residential living,

because of the impact it has on quality of life. Even so, it seems that little empirical and quantitative research has been undertaken to identify the most common forms of complaint and dispute and, whether quantifiable patterns exist regarding the proximity of the residents who may be involved, hence underpinning the need for the proposed study.

## RESEARCH METHODOLOGY

Consistent with these steps, a case study research methodology was employed to obtain data via a large strata complex of 108 lots. Some salient features of the complex include:

- The complex was situated in an urban setting close to the CBD of Sydney
- The complex mainly consisted of studio apartments of 24-40m<sup>2</sup> (identified in the strata plan as *Levels 2,3,4,5,6*) and a lesser number of one and two bedroom apartments of 34-103m<sup>2</sup> (on level 7). A roof top swimming pool/BBQ area was also available for use by all residents in the complex.
- The complex had security intercom and cameras located throughout the building.

Dispute records from the complex were collected for a 10 year period including disputes formally lodged with the strata manager and additional proceedings with the CTTT and court system. The data was then mapped against the apartment layout. Here, it should be noted that a limitation of the research was the exclusion of informal disputes and personal records of dispute such as phone calls, private emails and similar correspondence.

Arising from the above data, a thematic analysis (Boyatzis 1998) was undertaken to identify common themes of dispute. The themes were then quantified according to frequency of occurrence and were also mapped relative to the lot location of the disputing parties (within the strata complex) or where the offending act occurred relative to the complaining party.

A final stage of the research method came about as a result of the relatively low capture rate of complaints and disputes over the 10 year period of the case study building (as reported in the analysis section of this paper). This stage focused on a detailed interview with the strata manager to explore the apparent disconnect between the number of recorded complaints and disputes (relative to the number that were expected). Following this interview, a small number of other validating interviews (4 in total) were conducted with other strata managers to determine the generalisability of the feedback from the main interview.

## ANALYSIS

Over the study period a surprisingly low total of 34 formally recorded complaints and disputes were identified. It was quickly realised from the thematic analysis that the majority of issues were “complaints” more so than “disputes”. Here, there was a realised need for operational definitions to differentiate the emerging themes, which broadly followed a victim and offender relationship (with four offender types), as follows:

- A complaint made against a *known* offender. This was coded where a complainant knew who the offender was, and the situation was handled internally by the strata manager (coded as “K” in column 6 of Table 1).
- Complaint made against an *unknown* offender. This was coded where a complainant did not know who the offender was, and again, the matter was handled internally within the strata manager (coded as “U” in column 6 of Table 1). As an example, dumping of rubbish within the complex was often done anonymously and so even though there was anger by other residents towards the person responsible, their identity was still unknown.

- A formal *dispute* between two parties. This was coded where the above matter was not resolved by the strata manager and was subsequently referred externally for formal dispute hearing with the CTTT (coded as “D” in column 6 of Table 1).
- Offender not-applicable. This was coded where there was only an objective problem identified – as an example, a complaint about maintenance on the building – and where there was no specific person/people related to the problem (coded as “NA” in column 6 of Table 1).

**Table 1: Overview of complaint and dispute analysis data**

Residual trigger	Frequency	Situational context	Frequency	Victim type	Offender type	Proximity categories	
						Offender (A)	Offending object (B)
Untidy living environment	10	<ul style="list-style-type: none"> <li>• Rubbish left in shared walkway</li> <li>• Rubbish left in lifts</li> <li>• Garbage room mess</li> <li>• Dumping unwanted furniture in hallways and courtyard area</li> </ul>	3 2 3 2	G G G G	U U U U		3 B 3 B 3 B 3 B
Reduced amenity (parking)	8	<ul style="list-style-type: none"> <li>• Unauthorised parking</li> <li>• Dumping of car in the carpark</li> <li>• Dumping of car in the carpark</li> </ul>	6 1 1	G G G	U U K	3A	3 B 3 B
Noise	5	<ul style="list-style-type: none"> <li>• Lift–noisy opening doors</li> <li>• Late night parties</li> <li>• Drunken resident - lost keys</li> <li>• Inappropriate home renovations (carpet removal)</li> </ul>	1 2 1 1	G G G I	N/A K U K	1 A 1 A	2 B 1 B 3 B
Disagreement over repairs and maintenance	5	<ul style="list-style-type: none"> <li>• Water leaks (e.g. water entry from common areas, roof leaks)</li> <li>• Roof repairs</li> <li>• Security camera faulty</li> <li>• Locks/antennas faulty</li> </ul>	2 1 1 1	I G G G	D N/A N/A N/A		1 B 1 B 3 B 4 B
Contravention of (internally) agreed living and health standards	4	<ul style="list-style-type: none"> <li>• Pets sighted with owners</li> <li>• Pets sighted with owners</li> <li>• Small Dog</li> <li>• Pets causing health problems to others</li> </ul>	1 1 1 1	G G G G	U U U K	3 A	1 B 2 B 3 B
Physically defaced building and assets	2	<ul style="list-style-type: none"> <li>• Graffiti on walls</li> <li>• Graffiti in lift</li> </ul>	1 1	G G	U U		3 B 3 B

When considering the impact of these categories, it can be said that 67.6% of the 34 complaints and disputes were from an unknown offender; a further 14.7% were complaints made against a known offender; only 5.9% graduated to formal dispute between two parties and a further 11.8% were not-applicable. It would therefore seem that unknown offenders represent a significant source of annoyance to residents followed by known offenders. It is also interesting that very few complaints appear to escalate into formal dispute and that some issues have no specific human involvement (in terms of blame or emotively driven reasons).

Of the above, the “unknown offender” category is thought to be an area that deserves further attention by strata managers and owners’ corporations with a view to promoting harmonious living (this need not be undertaken with a view to greater regulation of residents, but rather, a more collegiate respect and understanding for each other’s needs).

Further to the above, it was found that different victim types emerged from the data, as follows:

- Group victims (coded as “G” in column 5 of Table 1) - where more than one resident was affected and which occurred in 91.18% (31 cases) of the total 34 cases. In cross tabulating the 31 cases with the previously discussed offender types, it can be said that 74.2% relate to situations with an unknown offender, a further 12.9% relate to a known offender and a further 12.9% relate to a not applicable offender.
- Individual victims (coded as “I” in column 5 of Table 1) - where only a single resident was affected and which occurred in 8.82% (3 cases) of the total 34 of the cases. Due to the low number of instances, further breakdown is not provided.

Clearly, a very high proportion of the above relate to groups – mainly where an unknown offender is involved. It would seem that group complaints are more likely to be formally recorded, rather than individual complaints, which may favour a more informal approach. The amount of group complaints is thought to have implications for the method of resolution used. For instance, group situations are usually more complex than one-on-one situations especially in terms of managing group dynamics and the outcomes expected by each individual in the group. Consequently, it may be useful for strata managers and owners’ corporations to be aware of, and able to enlist, different resolution methods depending on whether the problem involves significant groups or individual victims. Specific treatment may also be given to situations where there is an unknown offender.

Further to the above, it was realised that the incidents themselves were quite varied and subsequently there was a need to extract and code data in a way that could be tested and generalised to a broader audience. Here, different generic components were found to exist in each incident. Assistance in coding this content was taken from Holsti’s (1963) account of the components required to define a theme. For instance he defines that a theme contains: a perceiver, an agent of action, an action, a target of the action. In this case, *the perceiver*, *the action*, and the *target of the action* were primarily seen as being limited in scope i.e. *the perceiver* being an individual or group complainant; *the action* being the act of complaining or initiating a formal dispute about an incident; and the *target of the action* being against the offender. The main area left to be dealt with therefore revolved around the *agent of action*. In the current study this related to the incident causing the complaint or dispute. This was dealt with thematically in two parts being the *situational context* of the incident, and then the *residual trigger* causing the perceiver to complain or initiate dispute proceedings.

Given the above, there were six *residual triggers* identified in the data as shown in column 1 of Table 1 and as summarised according to the frequency ranking of each, in Table 2, below. Of note, the last column of the table shows the proportional contribution of group and individual victims, but due to the large majority of group situations, no clear patterns emerged with regard to an association between *residual triggers* and victim types.



**Table 2: Summary of Residual Triggers**

Residual trigger	Ranking	Victim types
Untidy living environment	29.41%	100% group
Reduced amenity (parking)	23.53%	100% group
Noise	14.71%	80% group 20% individual
Disagreement over repairs and maintenance	14.71%	60% group 40% individual
Contravention of (internally) agreed living and health standards	11.77%	100% group
Physically defaced building and assets	5.87%	100% group

It was difficult to summarise the *situational context* of incidents in the same way as used in Table 2, and instead an alternative approach shown in column 3 of Table 1 has been used. Further, it was found that details pertaining to *situational contexts* were wide and varied to the point of limiting the generalisability of the data. Even so, a point of generic interest arising from this part of the analysis was that certain circumstances provided an emotionally driven component to the complaint or dispute. For instance, drawing on a vignette taken from the data, a complaint arose relating to noise: the situation evolved from a drunken resident who arrived back at the complex late at night, but could not find his keys to enter the building. Instead of back-tracking to determine where he may have lost his keys, he simply started shouting persistently and randomly immediately outside the complex for someone to let him into the building. He also started randomly pressing automatic entry buttons for different apartments (at the main entrance door) hoping that a miscellaneous resident would awake from their sleep and let him in. It is apparent from this example, that even though noise was the *residual trigger* causing the complaint, this was emotionally intensified by the *situational context*, being one of thoughtless behaviour of a drunken resident.

Given the objectives of the research, there was a need to categorise the proximity of disputes and complaints. This was undertaken from the victim perspective as follows:

- Category 1: The offender (1A) or offending object (1B) was directly adjacent to where the victim lived
- Category 2: The offender (2A) or offending object (2B) was on the same floor level as where the victim lived
- Category 3: The offender (3A) or offending object (3B) was on the transitional walkway/driveway commonly used by the victim when leaving or moving about the complex.
- Category 4: The offender (4A) or offending object (4B) was not in a regularly frequented by the victim.

The above categories are coded in columns 7 and 8 of Table 1. In reading this data it seems that few differentiating patterns emerge except in the case where an untidy living environment (being the most common residual trigger mechanism) matches Category 3B proximity i.e. where the victim observes offending objects whilst moving about commonly used walkways and driveways in the complex. Stronger trends may become more apparent under a larger sample.

As discussed earlier in the analysis, findings from the interview with the strata manager provided important insight concerning the low capture rate of complaints and disputes in the formal case records. Of note, it was found that residents had a vested interest in not complaining formally to the strata manager - the reason being that formally recorded complaints may adversely impact on the value profile of both individual lots and the complex

as a whole, when prospective purchasers search the strata plan records as part of their due diligence. For instance, potential purchasers of an individual lot are entitled to view the strata records and if it appears that the complex is involved in ongoing dispute and poor decision-making due to disharmony amongst the residents, then the value of the property may be less than would otherwise be the case.

Another reason provided by the strata manager for informal complaint and dispute resolution was simply the cost, time and effort involved in handling the problem formally. Further, when asked about the main areas where such problems tended to occur, he identified noise and loss of amenity (parking) as the main area of concern.

Inquiry with the 4 other strata management companies interviewed, supported these views especially in terms of the main reasons effecting whether or not complaints were made formally. It could also be said, the strata manager appears pivotal in preventing complaints from escalating into disputes.

## CONCLUSION

The data reflects that complaints and disputes primarily conformed to a victim and offender relationship (including known offender, unknown offender, formal dispute, offender not applicable). Other scenarios are likely to exist under a broader sample but were not observed in this case study.

The data indicates that most were “group” victims who were complaining about unknown offenders. From the recorded incidents, these fell under six *residual triggers* that prompted complaint and dispute behaviour. In rank order of frequency these included: Untidy living environment; reduced amenity (parking); noise; disagreement over repairs and maintenance, contravention of (internally) agreed living and health standards; physically defaced building and assets. It is unclear from this research if this rank order is in any way stable when applied to a broader sample of strata case studies, but is recommended that this ranking be tested on a broader sample of strata complexes. For instance, some of the identified problems are broadly consistent with those identified in other studies discussed in the literature review of this paper. Generally this included complaints such as noise, smells, and restrictive lifestyle because of governance issues, and other issues which are relatively new including *untidy living environment*.

In speculating on reasons for these complaints, it is worth mentioning the style of apartment complex selected for the case study mainly consists of studio style apartments. In a more general sense, these tend to typically attract a high quantity of short-term renters with many apartments owned by investors. Consequently, there is potential to agree with the view raised by Gifford (2007) earlier in the paper, where he puts forward the notion that renters will not respect and look after property in the same manner as an owner occupier.

Adding further to the conceptual framework developed by the study, it was found that *residual triggers* came out of a *situational context* and though these were wide and varied in nature, a generic feature was the emotions created by certain contexts, which intensified the complaint and dispute behaviour associated with the *residual trigger*.

Few differentiating patterns emerged regarding the proximity of complaints i.e. the victim and offender (or offending object) locational relationship. The main exception was where an untidy living environment occurred, which victims observed whilst moving about commonly used walkways and driveways in the complex.

This study also indicates that many complaints and disputes are dealt with informally and therefore are not detected through formal strata records. This is the case, because informal treatments provide expediency and help retain the perceived value of the property - which may be tarnished if records reflect high levels of complaint and dispute. Because of this, it is unclear if informal patterns of complaint and dispute resolution have a significant impact on the harmony within a strata complex. However, findings from the study indicate that such complaints only rarely escalate to formally lodged disputes.

The research methodology narrowed the selection of data to a single strata complex in order to understand the dynamics working within such developments. Further research should be undertaken to continue this stream of investigation, using the findings above to be tested and expanded upon, via a larger sample of strata case studies. Given the above discussion, the research methodology should be extended to more successfully gather data on informal complaints and disputes (including the dynamics that these events create for individuals and broader groups within the strata complex). Additionally, the inclusion of formal interviews with strata managers would provide additional data with regards to disputes. And, as noted earlier in the paper, many of these disputes are not escalated to the CTTT and are in fact, resolved within the parameters of the Owners Corporation.

## REFERENCES

Baker, T. (2011), Residents Perspectives on Living in Inner City Medium Density Housing, *Proceedings of the State of Australian Cities Conference 2011*, Melbourne University, November 2011.

Boyatzis, R.E. 1998, Transforming Qualitative Information- Thematic Analysis and Code Development, *Sage Publications*, London.

Bramley, G., Power, S. (2009), Urban form and social sustainability: the role of density and housing type, *Environment and Planning B: Planning and Design*, Vol 36, pp 30-48.

Consumer, Trader and Tenancy Tribunal (CTTT 2012), Annual Report 2011-2012, Fair Trading NSW, pp 36-37.

Consumer, Trader and Tenancy Tribunal (CTTT) 2013, *Strata Schemes*, viewed 3rd April 2013 [http://www.cttt.nsw.gov.au/Divisions/Strata\\_and\\_community\\_schemes.html](http://www.cttt.nsw.gov.au/Divisions/Strata_and_community_schemes.html)

Dredge, D., Coiacetto, E., (2011), Strata Title: Towards a Research Agenda for Informed Planning Practice, *Planning Practice & Research*, Vol 26, No. 4, pp 417-433.

Dupuis, A., Dixon, J., (2004), Issues of private residential governance in New Zealand, International Conference Toronto, June 24-27, 2004, *Centre for Urban and Community Studies, University of Toronto*.

Easthope, H., Judd, S., (2010), Living well in greater density, *City Futures Research Centre, Faculty of the Built Environment, University of New South Wales, Shelter NSW, Shelter Brief 42*.

Easthope, H., Randolph, B.,(2009), Governing the Compact City: The Challenges of Apartment Living in Sydney, Australia, *Housing Studies*, Vol. 24, No. 2, pp 243–259.

Everton-Moore, K., Ardill, A., Guilding, C., Warnken, J., (2006), The law of strata title in Australia: A jurisdictional stocktake, *Australian Property Law Journal*, Vol. 13, No. 1 pp 1-35.

Fair Trading NSW, 2006-2007, *Annual Report*, viewed 18th January, 2013, [http://www.fairtrading.nsw.gov.au/About\\_us/Publications/Annual\\_reports.html](http://www.fairtrading.nsw.gov.au/About_us/Publications/Annual_reports.html)

Fair Trading NSW, 2011-2012, *Annual Report*, viewed 21st January, 2013, [http://www.fairtrading.nsw.gov.au/About\\_us/Publications/Annual\\_reports.html](http://www.fairtrading.nsw.gov.au/About_us/Publications/Annual_reports.html)

Gibbon, T, (2013), Management agreements in multi-unit housing developments: existing models and the New Zealand Unit Titles Acts, *International Journal of Law in the Built Environment*, Vol. 5 No.1, preprint version viewed 5th April 2013.

Gifford, R., (2007), The Consequences of Living in High-Rise Buildings, *Architectural Science Review, University of Sydney*, Vol 50, No. 1.

Grosberg, L. (2003), Using Mediation to Resolve Residential Co-op Disputes: The Role of New York Law School, *New York Law School Journal of International and Comparative Law*, Vol.22, pp 129-145.

Guilding, C. Whiteoak, J., (2008), Management and governance of residential golf developments, *Pacific Rim Property Research Journal*, Vol. 14, No.1, pp. 44-65.

Henderson-Wilson, C. (2008), Inner city high-rise living: a catalyst for social exclusion and social connectedness? *Australian Housing Researchers' Conference*. RMIT University, Melbourne.

Holsti, O., (1963) Content analysis: A Handbook with Application for the Study of International Crisis, *North Western University Press, Evanston*.

Land & Property Information 2013, *Land Titles*, viewed 3rd April 2013 <http://www.lpi.nsw.gov.au/>

Lee, Y., Kyoungyeon, K., Lee, S., (2010), Study on building plan for enhancing the social health of public apartments, *Building and Environment*, Vol 45, pp.1551-1564.

Leshinsky, R., Mouat, C., (2012), New ways to think about conflict resolution for more harmonious strata living, *Planning Institute of Australia*, Vol. 38, No. 2, pp 13-14.

Leshinsky, R., Perenyi, A., Condliffe, P., (2011), Appropriate dispute resolution for Owners Corporation internal disputes – a case study from Victoria, Australia. Paper presented in Tract 1 (governance, politics and conflict) at the 3<sup>rd</sup> World Planning Schools Congress, Perth (WA) 4-8<sup>th</sup> July 2011.

McKenzie, S. (2004), Social Sustainability: Towards some definitions, *Hawke Research Institute Working Paper Series. Magill, South Australia*, University of South Australia. No. 27.

NSW Fair Trading, (2012), Strata and Community Title Law Reform Discussion Paper, Making NSW No. 1 Again: Shaping Future Communities, *NSW Fair Trading*.

Sherry, C., (2010), How Infeasible is your Strata Title? Unresolved problems in Strata and Community Title, *Bond Law Review*, Vol. 21, No. 2, Special Property Law Edition, pp 158-181.

Strata Schemes (Freehold Development) Act 1973 – Section 5, Definitions, Viewed 6<sup>th</sup> April, 2013. [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/ssda1973344/s5.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/ssda1973344/s5.html)

Sivam, A., Karuppannan, S., (2009). Density and Sustainable Residential Development. *European Network for Housing Research Conference*. Prague, Czech Republic.

Warnken, J., Guilding, C., (2009), Multi-ownership of tourism accommodation complexes: A critique of types, relative merits, and challenges arising, *Tourism Management*, Vol. 30, No. 5, pp 704-714.

Yip, N.G. Forrest, R., (2002), Property Owning Democracies? Home Owner Corporations in Hong Kong, *Housing Studies*, Vol. 17, No. 5, pp 703-720.

## **LEGISLATION**

Consumer, Trader and Tenancy Act 2001, *NSW*

Strata Management Act 1996, *NSW*

Strata Schemes (Freehold Development) Act 1973, *NSW*

# 7th Australasian Housing Researchers Conference 2013



6 - 8 February 2013

Esplanade Hotel, Fremantle Western Australia

[Presentation slides now available](#)

The Australasian Housing Researchers' Conference is a premier conference for housing researchers in Australia and New Zealand. The conference is an important annual event for housing researchers across Australasia, allowing delegates to discuss their research with their colleagues and peers. Since the conference was established in 2006 it has allowed hundreds of participants to share their insights on the housing, homelessness and housing system broadly with an academic audience.

The Australasian Housing Researchers Conference was first held in 2006 in the city of Adelaide, returning to the original venue in 2012. The five conferences in between were held in Brisbane, Melbourne, Sydney and Auckland. The 2013 Australasian Housing Researchers' Conference (AHRC13) will be the first of its kind to be held in Western Australia.

The AHRC13 will bring to Fremantle Australia's brightest minds in housing research, attracting participants from a range of backgrounds, including academia, the government and non-government sectors.

The AHRC13 will be held at the Esplanade Hotel in the heart of the historic Fremantle, less than 30 kilometres from Perth. The event will run over two and half days from Wednesday 6th February to Friday 9th February 2013. Prior to the official conference opening on Wednesday 6th of February, relaxed evening activities will be

organised for early arrivals on Tuesday evening.

## Delegates

The AHRC13 welcomes delegates (housing researchers) from a range of academic backgrounds, including geography, public policy, law, sociology, planning, economics, architecture and urban design, and public policy. The AHRC13 is a perfect forum for early career researchers and postgraduate scholars to present their innovative research ideas and findings (including preliminary findings) on housing-related issues. We welcome abstracts and presentations from early career researchers and postgraduate scholars and a special reduced conference rate is available for full-time postgraduate scholars.

Early career researchers are encouraged to submit a paper for the [Housing Minister's Award for Early Career Researchers](#) (ECR Award) sponsored by the Australian Housing and Urban Research Institute Ltd (AHURI Ltd).

[Presentation slides now available](#)

---

### CRICOS Provider Code

WA 00301J, NSW 02637B

Curtin University is a trademark of Curtin University of Technology

## Program and Papers

Title: 7th Australasian Housing Researchers' Conference: Refereed Proceedings

Year of publication: 2013

Editors: Steven Rowley, Rachel Ong & Sanna Markkanen

Editorial Assistant: Pia Meehan & Pat Madden, Centre for Research in Applied Economics

ISBN: 978-0-646-90922-6

Download the full program [here](#).

### Presentations from AHRC13

Presentation slides A-B [Download](#)

---

Presentation slides Birdsall [Download](#)

---

Presentation slides C-F [Download](#)

---

Presentation slides G-I [Download](#)

---

Presentation slides J-L [Download](#)

---

Presentation slides M [Download](#)

---

Presentation slides N-O [Download](#)

---

Presentation slides P-Z [Download](#)

---

### AHRC13 refereed papers

Bosman, C. - Then, Now and Tomorrow: Housing for an Ageing Population [Download](#)

---



de Jong, U., Fuller, R., Gray, F. - Evaluation of Housing Developments for Sustainability Using a Multi-criteria Approach [Download](#)

---

de Jong, U., Fuller, R., Gray, F. - From Fibro Shacks to McMansions: Considering the Impact of Housing Change on the Sense of Place in the Historic Victorian Coastal Towns of Sorrento and Queenscliff [Download](#)

---

Ford, M. - Conceptualising Housing Affordability in Melbourne: Methods, Discourse and Politics [Download](#)

---

Ford, M. - The Political Economy of Residential Development in Melbourne: Tensions between Growth and Sustainability [Download](#)

---

Forsythe, P., Antoniades, H. - Complaints and Disputes among Occupants within Apartment Developments [Download](#)

---

Gardiner, B., Micheltree, H. - "Paint it black": Perceptions of Supported Accommodation Facilities by Homeless Youth [Download](#)

---

Glackin, S., Trubka, R. - Creating a Spatial Decision Support System for Housing Redevelopment in Australian Greyfields [Download](#)

---

Goudie, S. - Great Expectations: Concepts of Citizenship for Young People Accessing Housing Models Directly Linked to Education and Employment [Download](#)

---

Gurran, N., Gilbert, C., Phibbs, P. - Planning and the Housing Market: Measuring Regulatory Difference and Implications for Explaining Supply and Affordability Trends [Download](#)

---

Hurley, J., Groenhart, L., Wood, G., Meen, G. - The Making of Modern Cities: Examining Long Term Urban Land Use Characteristics in Melbourne [Download](#)

---

Johnson, D., Worthington, A., Brimble, M. - Building the Pillars of Retirement Income. What Role for Housing Equity in Easing Financial Stress in Later Retirement? [Download](#)

---

Judd, B., Bridge, C., Easthope, H., Liu, E. - Downsizing: Motivations, Processes and Outcomes for Older Australians [Download](#)

---

---

Leao, S., Osman-Schlegel, N. - TMI for Urban Resilience: Measuring and Mapping Long-term Climate Change Effects on Soil Moisture	<a href="#">Download</a>
<hr/>	
Lester, L., Baker, E., Beer, A. - The ROC and Role of the 30% Rule	<a href="#">Download</a>
<hr/>	
Liu, E., Easthope, H., Burnley, I., Judd, B. - Multigenerational Households in Australian Cities: Evidence from Sydney and Brisbane at the Turn of the Twenty-first Century	<a href="#">Download</a>
<hr/>	
Martel, A., Horne, R. - Household Adaptation in Aboriginal Public Housing: A Social Practice Approach	<a href="#">Download</a>
<hr/>	
McRae, B., Hurley, J. - In the Trenches: Examining Housing Supply and Development Assessment in Melbourne	<a href="#">Download</a>
<hr/>	
Mitchell, E., Thompson, S. - The Healthy Neighbourhood Audit Instrument: Understanding the Environmental and Socio-Cultural Conditions to Support Healthy, Happy and Resilient Residential Communities	<a href="#">Download</a>
<hr/>	
Oakley, S. - Accommodating Population Growth in the CBD: Changes, Opportunities and Challenges for Multi-level Community Living in Adelaide, South Australia	<a href="#">Download</a>
<hr/>	
Owen, C., McCann, D. - Picturing Home: Self-directed Photography as a Lens to Explore the Home Environment in the Care of Children with Autism Spectrum Disorder	<a href="#">Download</a>
<hr/>	
Palmer, J., Bennetts, H., Pullen, S., Zuo, J., Ma, T., Chileshe, N. - Adaptation of Australian Houses and Households to Future Heat Waves	<a href="#">Download</a>
<hr/>	
Richardson, K., Morrissey, A. - Residential Conveyancing in Queensland and the Newman Government's Policy Changes	<a href="#">Download</a>
<hr/>	
Rogers, D., Bailey, N. - Citizenship and Housing: the Provision of Housing and Practices of Citizenship within Global Cities	<a href="#">Download</a>
<hr/>	
Rogers, D., Lilley, D., Butler, P. - The Research-policy-praxis Nexus: A Dangerous Liaison Involving a Housing Practitioner, an Academic and a Tenant Advocate	<a href="#">Download</a>
<hr/>	

Wood, G., Cigdem, M. - Financial Measures of the Non-shelter  
Benefits of Neighbourhood Renewal Programs; A Quasi-Experimental  
Approach

[Download](#)

---

**CRICOS Provider Code**

WA 00301J, NSW 02637B

Curtin University is a trademark of Curtin University of Technology