

Enforcing Tribunal orders

Orders made by the Tribunal are binding and legally enforceable. If Tribunal orders are made in your favour and they are not being complied with, there are enforcement options available.

Enforcing money orders

Take the following steps to have a Tribunal order for the payment of money enforced.

Step 1: Request a certified money order

Call or write to the Tribunal requesting a 'certified money order'. This is a signed and sealed copy of the Tribunal's orders for the payment of money. A certified money order can be requested at any time after a money order is made by the Tribunal.

Step 2: Register with the Local Court

Once you receive the Tribunal's certified money order, take it to a NSW Local Court (or NSW District Court for amounts over \$100,000). The certified order can then be registered as a judgement of the Local Court. The Local Court will charge a filing fee for this service.

Step 3: Enforce judgement with the Office of the Sheriff of NSW

With the registered judgement, you can start enforcement action with the Office of the Sheriff of NSW (the Sheriff's Office). Enforcement action can include the Sheriff's Office seizing and selling property belonging to the debtor, or the debtor's bank account or wages being garnished. The Sheriff's Office will charge fees for enforcement action.

CTTT Tip

Visit the NSW LawAssist website for a step-by-step guide to enforcing Tribunal money orders through the NSW Local Courts. www.lawassist.lawaccess.nsw.gov.au

Warrants for possession

If the Tribunal has made orders for termination and possession, and the tenant, co-tenant or resident does not leave the premises, you can request a 'warrant for possession'. The warrant authorises a Sheriff's Officer to enter the premises and take all steps necessary to remove the tenant, co-tenant or resident and their goods from the rented premises.

How to request a warrant

A warrant request can only be made *after* the date of possession has passed, and within 30 days from the date of possession. Warrant request forms are available on the CTTT website.

Where orders are made for immediate possession, a warrant can be requested as soon as the orders are served.

What do I do with the warrant?

The warrant will be provided to you in a sealed envelope. **Do not open** this envelope. Take the unopened warrant to a Sheriff's Office within 28 days of the date issued by the Tribunal. A fee will be payable to execute the warrant. The Sheriff's Office will then carry out the warrant for possession in accordance with their guidelines.

CTTT Tip

Visit the Office of the Sheriff of NSW website for information about their procedures and costs for enforcing warrants for possession www.sheriff.nsw.gov.au.

Common questions about warrants

"I opened the warrant by mistake"

Opening the warrant envelope by mistake invalidates the warrant and it cannot be executed by the Sheriff. Return the original warrant to the Tribunal with a written request for a new warrant and include a statutory declaration.

"I lost or did not receive the warrant"

Send a written request to the Tribunal for a new warrant and include a statutory declaration explaining what happened. Faxed or emailed requests are not accepted.

"The Sheriff was unable to execute the warrant"

Sometimes the Sheriff's Office is unable to execute the warrant within the 28 day timeframe. This may be due to public holidays, the unavailability of a Sheriff's Officer in regional NSW or where a rehearing application stay was made. Return the original warrant to the Tribunal with a written request for a new warrant and include a statutory declaration explaining what happened.

Enforcing work orders

If a Tribunal order to do work or take action (for example, an order to provide goods or services) is not complied with in the specified timeframe, you can apply to renew the Tribunal proceedings.

This means you are asking the Tribunal to consider making a money order, or in limited circumstances consider making a further work order.

Renewal applications must be made within 12 months after the end of the period stated on the original Tribunal orders. Renewal application forms are available on the CTTT website. There is an application fee payable which will be the same as that of the original application.

Enforcing a strata adjudication

It is an offence to wilfully contravene or fail to comply with the decision of a Strata Adjudicator. The Tribunal can impose a penalty on anyone who does not comply with the Adjudicator's order. You can lodge an application to the Tribunal for penalty orders to be made.

Orders made against home building licence holders

If the Tribunal has made orders against a licensed home building contractor or building consultant, they must notify NSW Fair Trading's Home Building Service in writing as soon as possible when they have complied with the Tribunal's order (for example, when they have completed the work or paid the money).

If the licence holder fails to comply with a Tribunal order to pay money in respect of a building claim, their licence may be suspended. A licence holder's failure to comply with a Tribunal work order will appear on NSW Fair Trading's public register and they will be unable to renew their licence.

For further information

Visit the CTTT website www.cttt.nsw.gov.au to learn more about the Tribunal's process and practices. You can access a wide range of resources such as application forms, fact sheets, video guides and other helpful information.

For further information and assistance contact the CTTT Registry on 1300 135 399. Other useful contact details for enforcement information are:

NSW Local Court

www.localcourt.lawlink.nsw.gov.au

NSW District Court

www.districtcourt.lawlink.nsw.gov.au

Office of the Sheriff of NSW

www.sheriff.nsw.gov.au

LawAssist

A website provided by LawAccessNSW providing helpful information on specific areas of law and the legal process.

www.lawassist.lawaccess.nsw.gov.au

Contact us

www.cttt.nsw.gov.au

Telephone: 1300 135 399

Facsimile: 1300 135 247

Email: ctttenquire@cttt.nsw.gov.au

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