



Quote the number below for all enquiries  
**Case number** **2022/00081736**

Guitang Lu  
luke@cowise.com.au

2 November 2022

---

**Case title** **Appeal of decision under Strata Schemes Management Act 2015 - Guitang Lu v Community Association DP 270682**

---

The Appeal Panel has received correspondence from the respondent seeking a correction of an error in the text of the written reasons for decision in Lu v Community Association DP 270682. The Appeal Panel has considered the amendment proposed by the respondent under the “slip rule” under section 63 of the Civil and Administrative Tribunal Act 2013 (the Act).

The appellant objects to the amendment on the grounds that he has commenced proceedings in the Supreme Court and the matter is now subject of judicial review. The Appeal Panel has not been provided with a copy of the originating process now before the Supreme Court.

The Appeal Panel has considered the written reasons for decision and is satisfied that there is an obvious omission in the text and that the written reasons for decision should be amended pursuant to section 63(3)(b) of the Act where there is an error arising from an accidental slip or omission.

The omission occurs at paragraph 14 of the decision and the Appeal Panel directs the Registrar of the Appeal Panel to **alter the text of the written reasons for decision** as follows:

[14] The Notice of Appeal referred to above and the 79 pages of attachments, **the appellant's submission and 169 pages of attachments dated 2 May 2022**, the appellant's submissions in reply dated 23 May 2022, the amended notice of appeal filed on 8 April 2022; and the original community schemes application for Tribunal orders dated 30 July 2021.

**And at paragraph [8]**

**[8] The applicant summarised his case as follows:**

“with the above circumstances supported by evidence it is a reasonable conclusion that the management structure of the respondent's community scheme is not functioning satisfactorily, and it may be an appropriate solution for the Tribunal to order the appointment of a managing agent for the community scheme which is seeing conflicts in such nature as in the case of Falvey v Community

Association DP 270469 (Strata and Community Schemes) NSWCTTT 410 (15 August 2013). (See p38 of the appellant's bundle dated 2 May 2022)."

The Appeal Panel directs the Registrar of the Appeal Panel to amend the decision in accordance with section 63(3)(b) of the Act.

Registrar  
kmcnam0