

Disputes and Remedies in the Green Lease Schedule (GLS)

What is the commitment between the tenant and landlord?

- > In simple terms the parties' commitment is to maintain the relevant *ABGR* (Fact Sheet 3) rating. They do so by implementing the measures in the *GLS* (Fact Sheet 2).

What happens if there is a disagreement about the GLS commitments?

- > Although rare, a dispute between tenants and landlords about the GLS obligations may occur. In such instances, there is a formal process (a separate clause under the GLS) that applies in this situation.
- > The *BMC* (Fact Sheet 5) is intended to address energy efficiency issues, and disputes should be first raised here.

What if the dispute cannot be easily resolved?

- > If the issue cannot be resolved at *BMC* level and the other party has breached a GLS obligation, a 'Remedial Notice' is issued by either the tenant or landlord's authorised person. It must be in writing and request commencement of dialogue or remedial action.
- > Fifteen days are allowed to meet and agree to the 'Remedial Action' and timetable.

What happens if the landlord and tenant cannot agree on the 'Remedial Plan'?

- > Under the GLS, an expert is to be appointed to determine the issues or raise an 'Enforcement Notice'.
- > Remedies for breach of the GLS only apply to the GLS and not other remedies under the Lease that relate to a breach.
- > The expert determines dispute resolution and the decision is binding on the parties.

Who is an 'Expert'?

- > An expert is defined as an appropriate practicing professional with relevant experience in the subject matter.

Who appoints an 'Expert'?

- > The Department of the Environment and Water Resources or President/senior official of the Australian Institute of Arbitrators will appoint the expert. The Department of the Environment and Water Resources policy helpline is a good first point of contact to obtain advice on how to reach a solution.

What are the costs?

- > All costs are to be shared equally by the parties.

What will the 'Expert' decide?

- > The focus will be on addressing the issues and finding a solution that all parties can implement effectively.

Who do I contact for more information?

EEGO Policy Helpline: (02) 6274 1111

EEGO Policy: www.energy.gov.au