

RECORDER OF TITLES TASMANIA

Application for registration of change of By-Laws

Section 92 Strata Titles Act 1998



E26308

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
157724	0		

TO THE RECORDER OF TITLES

STRATA CORPORATION No. **157724 - 12 PAIGE COURT, MORNINGTON**

The Strata Corporation applies to register a change of by-laws.

The members of the Strata Corporation by **unanimous** resolution passed at a duly convened meeting of the body corporate held on **26-Oct-2015** directed the body corporate to change the by-laws for the scheme as follows:

Change of By-Laws

Date: 26/10/2015

The Common seal of Strata Corporation No. 157724 - 12 PAIGE COURT, MORNINGTON
(name of scheme)

was hereunto affixed in the presence of

Signature (Member): [Signature]

(Common Seal)

Signature (Member): [Signature]

COMMON SEAL

STRATA CORPORATION No. 157724
12 PAIGE COURT, MORNINGTON
7018

Land Titles Office Use Only

CBL
Version 1 (TOLD)

THE BACK OF THIS FORM MUST NOT BE USED

Created 26-Oct-2015 10:32AM

OFFICE of the RECORDER OF TITLES
TASMANIA

Application for registration of change of By-Laws

Section 92 Strata Titles Act 1998



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
157724	0		

To the Recorder of Titles:

STRATA CORPORATION No. 157724, 12 PAIGE COURT, MORNINGTON

The Strata Corporation applies to register a change of by-laws

The members of the Strata Corporation by ordinary resolution at a duly convened meeting of the body corporate held on, directed the body corporate to change the by-laws for the scheme as follows -

SEE PAGES 2-8 HEREIN

Date:

The common seal of Strata Corporation No. 157724
12 PAIGE COURT, MORNINGTON
was affixed in the presence of:

Member

(common seal)

Member

Office Use Only

1

CBL Version 1

THE BACK OF THIS FORM MUST NOT BE USED

INDEX

PART 1 – PREAMBLE

1. Interpretation
2. Invitees and tenants

PART 2 - GENERAL BY-LAWS

1. Duty to keep lot in good order and repair
2. Duty to prevent nuisance
3. Duty to allow access for maintenance and repair of common property
4. Duty to pay rates and taxes
5. Use of common property
6. Duty to provide information
7. Appearance of the lots
8. Insurance
9. Building security
10. Use of the lots
11. Keeping of animals
12. Waste management
13. Driveways, parking and turning areas

PART 3 - BODY CORPORATE

1. Body corporate duties in relation to common property
2. Functions of the body corporate
3. Membership of body corporate
4. General meetings of body corporate
5. Quorum
6. Voting at general meeting
7. Voting on unanimous resolution
8. Committee of management
9. Appointment of a manager
10. Administrative fund
11. Contributions
12. Interest on overdue contributions
13. Roll to be kept by body corporate
14. Common seal

PART 4 –DISPUTE RESOLUTION

1. Procedure

PART 1 – PREAMBLE

1. Interpretation

(1) An expression defined in the Strata Titles Act 1998 has the same meaning when used in these by-laws.

2. Invitees and tenants

(1) If a lot owner is prohibited from doing anything in these by-laws, the owner must also ensure that members of the owner's family, tenants and invitees do not do that thing.

(2) A lot owner must give any tenant of the owner's lot a copy of these by-laws at the commencement of the tenancy and a copy of any change of by-laws made by the body corporate.

(3) Where a lot is under lease, both the lot owner and the lot owner's tenant are jointly and severally responsible for by-law compliance.

PART 2 - GENERAL BY-LAWS

1. Duty to keep lot in good order and repair

(1) A lot owner must keep the building and structural improvements on the lot in a state of good repair and to a standard in keeping with the other buildings and structural improvements on the site.

(2) A lot owner must maintain and repair any services that exclusively serve the owners lot.

(3) A lot owner must carry out any work in relation to the owner's lot that the owner is required to carry out by–
(a) a public or local authority; or
(b) the body corporate.

2. Duty to prevent nuisance

(1) A lot owner must not use the lot, or permit its use in a way that causes a nuisance to the owner or occupier of any other lot.

(2) A lot owner must not, without the written permission of the body corporate, use or operate any equipment, machinery, audio equipment or a musical instrument if the noise contours produced are audible outside the owner's lot.

3. Duty to allow access for maintenance and repair of common property

(1) The body corporate is entitled to reasonable access to a lot for the purpose of maintaining, repairing or replacing the common property.

(2) A person authorized by the body corporate may enter the lot for that purpose–
(a) after giving reasonable notice of intention to exercise the rights of access to the occupier of the lot; or
(b) in an emergency, without notice.

4. Duty to pay rates and taxes

(1) A lot owner must pay all rates, taxes and charges that may be payable in relation to the owner's lot.

5. Use of common property

(1) A lot owner must not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.

(2) A lot owner must take reasonable steps to ensure that invitees do not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.

6. Duty to provide information

(1) A lot owner must give the body corporate written notice of any change in the ownership of the lot.

(2) A lot owner who intends to be absent from their normal contact address must keep the body corporate advised of their mailing address or contact details whilst they are away.

7. Appearance of lots

(1) A lot owner must not, without the written permission of the body corporate–

Office Use Only

3

- (a) make or permit a change to the exterior character, design or colour finish of buildings or structural improvements on the lot; or
- (b) make any structural improvements on the lot unless they conform to the exterior character, design and finish of the buildings or structural improvements on the site.

(2) A lot owner must not, without the written permission of the body corporate, erect or place a sign on the lot or common property.

8. Insurance

(1) A policy of insurance must be taken out by the body corporate in accordance with the Act in respect to the buildings, on-site improvements and public risk.

(2) A lot owner must pay the body corporate a contribution being either-

- (a) proportionate to the unit entitlements of the various lots; or
- (b) the amount shown on the policy where the premium shows the amount applicable to each lot.

(3) A lot owner must not commit any act, or do any thing, that may result in the policy of insurance in relation to the building or other improvements becoming void or which may increase the premium payable in respect to that insurance.

9. Building security

(1) A lot owner must-

- (a) secure the owners lot at all times; and
- (b) comply with any reasonable directions given by the body corporate in relation to the security of the building and the common property.

10. Use of the lots

(1) A lot owner must not, without the written permission of the body corporate, make an application to change the use of the owner's lot.

(2) A lot owner must not use the lot in a way which may be illegal, or injurious to the reputation of other lots.

11. Keeping of animals

(1) A lot owner-

- (a) may keep one or two small domestic dogs or cats within his or her lot; and
- (b) must make good any damage and clean up any mess made by an animal either on the lot or the common property.

(2) The body corporate may revoke such entitlement following 2 written warnings previously being given that an animal is aggressive, noisy, uncontrollable or has become a general nuisance.

(3) If a person reasonably requires the assistance of a guide-dog by reason of impairment of sight or hearing, the person is entitled to be accompanied by a guide-dog while on a lot or the common property and, if the person is the owner or occupier of a lot, is entitled to keep a guide-dog on the lot.

12. Waste management

(1) A lot owner must comply with any reasonable directions given by the body corporate in respect to rubbish disposal.

(2) A lot owner must-

- (a) store all garbage and recyclables in bins provided for that purpose; and
- (b) regularly place the bins out for kerbside collection; and
- (c) retrieve the empty bins in a timely manner; and
- (d) keep the bins in a clean, dry and hygienic condition.

(3) A lot owner must not remove a bin for individual use, as lot owners are required to share waste bins & recycling bins because of lack of kerbside space.

13. Driveways, parking and turning areas

(1) Cars may only be parked on the site in a car space approved by Council building permit B-2004/71.

(2) The body corporate may take such action it considers necessary to maintain the driveways, parking and turning areas as a safe environment which may include-

- (a) requiring a lot owner to remove any obstructions that impede vehicular manoeuvring or turning; or
- (b) cautioning a lot owner regarding a non-compliant or dangerously parked vehicle; or
- (c) moving or towing away a non-compliant or dangerously parked vehicle.

(3) The body corporate may recover all costs from a lot owner in respect to obtaining common property by-law compliance.

PART 3 - BODY CORPORATE

1. Body corporate duties in relation to common property

(1) The body corporate must-

- (a) administer, manage and improve the common property reasonably and for the benefit of the owners and occupiers of the lots; and
- (b) maintain the service infrastructure in good and serviceable order and condition; and
- (c) provide a general level of security over the site as required by the lot owners.

2. Functions of the body corporate

(1) The body corporate has the following functions-

- (a) to exercise its powers under the Act; and
- (b) to enforce these by-laws; and
- (c) to take out and maintain a policy of insurance as required under the Act and any further insurance that may be required by resolution of the lot owners; and
- (d) to carry out other functions for the benefit of the lot owners.

(2) The body corporate must appoint a chairperson, secretary & treasurer.

3 Membership of body corporate

(1) Each lot owner is a member of the body corporate and entitled to vote personally or by proxy at general meetings of the members of the body corporate.

(2) If a mortgagee is in possession of a lot under the mortgage, the mortgagee becomes entitled to exercise any voting rights the owner may have, to the exclusion of the rights of the owner.

4. General meetings of body corporate

(1) An annual general meeting of the body corporate must be held within 15 months after the last annual general meeting of the body corporate.

(2) The committee of management or the secretary to the body corporate may call a special general meeting of the body corporate at any time and must do so if required by not less than one-third of the total number of members of the body corporate.

(3) The secretary to the body corporate must, at least 7 days before a general meeting of the body corporate, give to each member of the body corporate written notice-

- (a) setting out the date, time and place of the general meeting; and
- (b) stating the nature of the business to be transacted; and
- (c) if a unanimous resolution is to be put before the general meeting, setting out the terms of the proposed resolution.

(4) In a case where a lot is owned jointly or in common by 2 or more persons, the notice may be addressed to the co-owners jointly and given or sent to any one of them.

(5) The body corporate may conduct business in person, by post or by electronic transmission.

5. Quorum

(1) A quorum at a meeting of the body corporate is a majority of the total number of the members of the body corporate.

(2) If a quorum is not present at a meeting of the body corporate, any decision made at that meeting is of no effect for a period of 14 days after the circulation of the minutes.

(3) After that period, the decision has effect unless objections to it have been made within that period by such number of members as would have defeated the decision at the meeting.

6. Voting at general meeting

(1) A member of the body corporate may vote personally or by proxy on matters arising for decision at a general meeting.

(2) Voting may be by show of hands but, if a poll is demanded, voting is proportionate to the unit entitlement of the member's lot.

(3) Co-owners may vote by proxy jointly appointed by them and, in the absence of such a proxy, are not entitled to vote on a show of hands (except on a motion for a unanimous resolution) but any one co-owner may require a poll and on the poll a co-owner is entitled to voting rights proportionate to the co-owner's interest in the lot.

7. Voting on unanimous resolution

(1) If a unanimous resolution is required for a particular purpose under this Act, a member of the body corporate may vote on the resolution—

- (a) at the general meeting of the body corporate at which the resolution is proposed; or
- (b) by giving the body corporate written notice of the member's vote within 28 days after the date of that meeting.

8. Committee of management

(1) The body corporate may, by ordinary resolution—

- (a) appoint a committee of management to transact business on behalf of the body corporate; or
- (b) change the membership of a committee of management; or
- (c) overrule a decision of the committee of management (to the extent it has not been acted on); or
- (d) remove a committee of management from office.

(2) A committee of management may, subject to limitations and directions imposed or given by the body corporate in general meeting, exercise any powers of the body corporate except powers that may only be exercised by unanimous resolution of the body corporate.

(3) A committee of management must consist of at least 3 members.

(4) Subject to any rules to the contrary determined by the body corporate in general meeting—

- (a) a majority of the total number of the members of the committee of management constitutes a quorum of the committee; and
- (b) a decision in which a majority of the members present at a meeting of the committee agree is a decision of the committee.

(5) Any rules determined by the body corporate must be fair and reasonable.

(6) The committee must keep proper minutes of its proceedings and must make them available on request for inspection by any member of the body corporate.

9. Appointment of a manager

(1) The body corporate may appoint a manager and delegate to the manager functions related to the administration, management and control of the common property.

(2) A manager is subject to control and direction by the body corporate acting in general meeting or through a committee of management.

10. Administrative fund

(1) The body corporate must maintain a fund for the purpose of meeting its financial obligations under the Act.

(2) All income must be paid into the fund and all expenditure must be made from the fund.

(3) If the body corporate thinks fit, the fund may be subdivided into separate parts, one related to recurrent expenditure and the other related to capital expenditure.

(4) Funds are non-refundable to lot owners and must be applied to the purpose so levied.

(5) The fund must be maintained at a level sufficient to meet reasonably foreseeable expenditure to be incurred by the body corporate.

(6) In this sub-section "recurrent expenditure" may include but is not limited to-

- (a) insurance; and
- (b) administration and body corporate management; and
- (c) common property landscaping, cleaning and rubbish removal; and
- (d) common property water, lighting & energy costs; and
- (e) minor common property repairs and preventative maintenance.

(7) In this sub-section "capital expenditure" may include but is not limited to-

- (a) major common property driveway & parking bay maintenance; and
- (b) replacement of perimeter fencing; and
- (c) replacement of major component service infrastructure.

11. Contributions

(1) The body corporate may from time to time levy contributions in respect of the lots for the purposes of raising an amount that the body corporate decides to be necessary to meet anticipated expenditure or for any other purpose as agreed by an ordinary resolution.

(2) The contributions are to be proportionate to the unit entitlements of the various lots, including common property under exclusive use.

(3) A contribution falls due for payment on a date fixed by the body corporate and notified by written notice of the amount due given by the body corporate to the owners.

(4) The owner of the lot as at the due date for payment is liable for the contribution and any person who later becomes an owner before the contribution is paid becomes jointly and severally liable for payment.

(5) If a contribution for which an owner or other person is liable under clause (4) is not paid, the owner or other person is taken to have failed to comply with a requirement of this Act while the contribution remains unpaid.

(6) The body corporate must, on application by an owner or a person having an interest in a lot, certify-

- (a) the amount of any contribution payable by the owner; and
- (b) the due date for payment of the contribution; and
- (c) any amount by way of unpaid contribution that remains outstanding; and
- (d) the amount of any other liability to the body corporate that remains outstanding from the owner; and
- (e) information in relation to any funds of the body corporate administered by it; and
- (f) information on any legal action to which the body corporate is a party; and
- (g) details of any contributions levied in the previous 12 months; and
- (h) any other relevant matters.

(7) A certificate under clause (6) is, in favour of a person dealing with the owner, conclusive evidence of the matters certified.

(8) All body corporate costs associated with recovering an unpaid contribution must be paid by the lot owner against whom the recovery is being made.

12. Interest on overdue contributions

(1) Interest accrues on overdue contributions at a rate fixed by resolution of the body corporate.

(2) The rate of interest must be fixed on a fair and reasonable basis.

13. Roll to be kept by body corporate

(1) The body corporate must maintain a roll containing the following particulars-

- (a) the name and contact details of the owner of each lot; and
- (b) the name and contact details of any agent employed by the body corporate to carry out any of its functions in relation to the scheme; and
- (c) the name and contact details of any lessee of a lot notified to the body corporate.

14. Common seal

- (1) The body corporate common seal must include the name of the body corporate.
- (2) The common seal must only be used-
 - (a) if there is a management committee, in accordance with any resolution of that committee and in the presence of two committee members who are authorized to witness the use of the seal; and
 - (b) if there is no management committee, by authority of the body corporate previously given and in the presence of two owners who are authorized to use the seal.

PART 4 – DISPUTE RESOLUTION

1. Procedure

- (1) If a dispute arises within the scheme it must be referred to the body corporate who with the parties must make all reasonable endeavours to settle the matter in dispute within 14 days.
- (2) Any notice, demand or other communication between the parties must be made in writing and be served by hand delivery, post or electronic transmission to the recipients.
- (3) Should the parties fail to resolve the dispute-
 - (a) a matter relating to the provisions of the strata title legislation must be referred to the Recorder of Titles for relief in accordance with Part 9 of the Act; or
 - (b) any other matter must be referred to mediation or arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*
- (4) This part binds the body corporate, a lot owner and a lot occupier.