

SCHEDULE 1 - Model by-laws

Section 90(3)

1. Duty to keep lot in good order and repair

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

(2) The 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.

(3) The owner of a lot must not, without the written permission of the body corporate –

(a) make or permit a change to the exterior character, design or finish of buildings or structural improvements on the lot; or

(b) construct any new building or make any structural improvements on the lot unless they conform to the exterior character, design and finish of any existing buildings or structural improvements on the site.

2. Duty to prevent nuisance

The owner or occupier of a lot 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.

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 authorised 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

The owner of a lot must pay all rates, taxes and charges that may be payable in relation to the owner's lot.

5. Use of common property

(1) The occupier of a lot 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) An owner or occupier of a lot 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

The owner of a lot must give the body corporate written notice of any change in the ownership of the lot.

7. Keeping of animals

(1) Subject to subclause (2), the occupier of a lot must not, without the body corporate's written approval –

(a) bring an animal onto, or keep an animal on, the lot or the common property; or

(b) permit an invitee to bring an animal onto, or keep an animal on, the lot or the common property.

(2) 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.

8. Body corporate's duties in relation to common property

The body corporate must –

(a) administer, manage and control the common property reasonably and for the benefit of the owners and occupiers of the lots; and

(b) establish and maintain (where appropriate) suitable lawns and gardens on the common property; and

(c) maintain the service infrastructure in good and serviceable order and condition.

9. Parking of motor vehicles

Where a space for vehicle parking has been allocated to a lot under section 81(1)(da), only the owner or occupier of that lot or his or her invitee may park a vehicle in that space.

10. Quorum

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