



UNDERSTANDING MAINTENANCE & WHO IS RESPONSIBLE

So many unit Owners and Committee members get confused over what the Body Corporate is responsible for and what Owners are responsible for. The Act and Modules set out what the responsibilities are - this should be the primary reference point.

Maintenance of common property and lots

Sections 159 and 170 of the Standard Module provide that the Body Corporate must maintain the common property in good condition and the Owner of a lot must maintain his or her lot in good condition.

Utility infrastructure as common property

Utility infrastructure means pipes, cables, wires, sewers, drains, plant and equipment which supply lots or the common property with a utility service (e.g. water supply, gas or electricity supply, a telephone service or a sewer system). The common property for a community titles scheme includes all utility infrastructure **except** for utility infrastructure that:

- Supplies a utility service to only one lot
- Is within the boundaries of the lot
- Is not within a boundary structure for the lot

Note: if all three above criteria are met, the utility infrastructure will not be considered common property and the lot owner will be responsible.

The Plans

The survey plans that are registered for a scheme will dictate what rules need to be followed. You should be provided with a copy of these plans at time of purchase and should be able to identify the type of plan involved.

BUILDING FORMAT PLANS (PREVIOUSLY BUILDING UNITS PLANS)

A very common style of registration which most people associate as your usual 4 or 6-pack; quite commonly a multi-storey block of residential units. A building format plan is a form of subdivision that usually occurs within a building, but could apply to other developments like townhouses. A building format plan defines land using the structural elements of a building, including, for example, floors, walls and ceilings. Where a lot is separated from another lot or common property by a floor, wall or ceiling, the boundary of the lot is the centre of the floor, wall or ceiling.

The registered plans will identify what is part of the lot and what isn't. No 2 plans are the same so grab your plans and phone your Body Corporate Manager to have them explain what is and isn't included.

Maintenance under Building Format Plan

The Body Corporate is usually responsible for:

- The maintenance of the outside of the building including railings or balustrades on, or near to, the boundary of a lot and common property. This would include the balustrade on a private balcony
- Gardens and lawns on common property
- The foundations of the building
- Generally any doors or windows, and their fittings, that are situated in a boundary wall between a lot and the common property (including common property balconies). This also includes garage doors and their fittings



The Body Corporate is responsible for utility infrastructure:

- A cold water pipe that services only one lot that is located in a concrete slab which forms the boundary between a lot on level five and a lot on level six of a building

Why? Although the utility service only supplies one lot, it is located in a boundary structure.

The Lot Owner is generally responsible for:

- Doors and windows leading onto a balcony that forms part of the lot
- Kitchen, bathroom, bedroom cupboards
- Sinks, dishwashers, garbage disposal units, shower screens and shower trays.

The Lot Owner is responsible for utility infrastructure:

- A cold water pipe that services only one lot that is located in a wall separating the bathroom and the bedroom of the lot.

Why? The utility service is not considered common property as it:

- Supplies a utility service to only one lot
- Is within the boundaries of the lot
- Is not within the boundary structure for the lot

Other responsibilities of the Lot Owner:

- A hot-water system installed on the common property but supplies water **only to a particular lot**. The Owner of the lot would be responsible for maintaining the hot-water system and the associated pipes and wiring
- Any fixtures or fittings installed by the lot owner for the lot owner's benefit (e.g. single air conditioning unit)
- Exclusive use areas the Owner has the benefit of.

STANDARD FORMAT PLANS (PREVIOUSLY GROUP TITLES PLANS)

The most common style of standard format plan is a townhouse complex. A standard format plan defines land horizontally with references to marks on the ground or a structural element (for example, survey pegs in the ground or the corner of a dwelling). In a townhouse complex, the individual lots would comprise a building and land (front and/or back courtyards). The boundaries of lots are defined by dimensions and bearings shown on the survey plan along with marks placed on the ground at the time of the survey.

The registered plans will identify what is part of the lot and what isn't. No 2 plans are the same so grab your plans and phone your Body Corporate Manager to have them explain what is and isn't included.

Maintenance under Standard Format Plan

The Body Corporate is usually responsible for:

- The common property, including roads, gardens and lawns on common property
- Some elements of utility infrastructure that are common property

The Body Corporate is responsible for utility infrastructure:

- The main water supply line for the scheme running beneath the rear private courtyards of lots

Why? The water supply is a utility service to more than one lot and is therefore common property



- Guttering and associated downpipes spanning more than one lot

Why? Again, the guttering serves more than one lot and is therefore common property

The Lot Owner is generally responsible for:

- Their lot, including all lawns and gardens within the boundary
- The maintenance of the building including the exterior walls, doors, windows and roof with the exception of some elements of utility infrastructure that are common property
- The building foundations
- The painting of the lot.

The Lot Owner is responsible for utility infrastructure:

- The painting of the building

Why? The building in a standard format plan falls within the boundaries of the lot. As the body corporate is only responsible for the maintenance of common property, the building is the lot owner's responsibility.

Exclusive Use Areas

An exclusive-use by-law for a community titles scheme is a by-law that attaches to a lot included in the scheme, and gives the occupier of the lot for the time being exclusive use to the rights and enjoyment of common property or a body corporate asset, or other special rights.

Where exclusive use is created in respect of common property, then the obligation to maintain that common property is transferred to the owner of the lot in question, unless there is specific provision in the by-law for maintenance remaining the responsibility of the body corporate.

Pest Control

The body corporate is generally responsible for any pest inspection, prevention and treatment work carried out on common property. A lot owner is individually responsible for any pest inspection and treatment carried out within their lot.