

Common Property Rights By-laws/ Old and New Law Comparison

Strata Schemes (Management) Act 1996		Strata Schemes (Management) Act 2015	
51	Part 5 Division 4 concerns by-laws conferring to a lot owner or multiple lot owners so specified: (a) Right of exclusive use and enjoyment of the whole or any specified part of the common property (b) Special privileges in respect of the whole or any specified part of the common property	142	By-laws of this nature are now referred to as "common property rights by-laws", as opposed to special privilege or exclusive use.
52 (1) (a-b)	Owners corporations may make, amend or repeal a by-law as considered under s 51, but only with the written consent of the owner or owners involved, and in accordance with a special resolution	143 (1)	Common property rights by-laws require the relevant owner's consent to be made. Additions to the scheme's by-laws require a special resolution
52 (2)	A by-law under this division may be made even though the exclusive enjoyment or special privilege was enjoyed prior to the making of the by-law	143 (3)	Same
52 (3)	2 years from the making of an applicable by-law, it is presumed all conditions and preliminary steps precedent to making the by-law were	143 (4)	Same

	complied with and performed		
53	By-laws under this division may have specified conditions imposed in the by-law	143 (2)	Same
54 (1) (a-b)	By-laws under this division must provide that the owners corporation is to continue to be responsible for proper maintenance of the relevant part of the common property, or impose on the owner/s concerned the responsibility for maintenance and upkeep	144 (1) (a-b)	Same
54 (2)	Any money payable under an applicable by-law is payable by the relevant owners proportionately, according to the proportions of their respective unit entitlements, unless otherwise provided by the by-law	144 (2)	Same
54 (3)	To the extent a by-law makes persons directly responsible for maintenance of a part of the common property, the owners corporation is discharged from their obligations of maintenance and repair	144 (3)	Same
55 (1)	By-laws to which this division applies continue to operate for the benefit of, and binding on, the owners of the lots specified, so	145 (1)	Same

	long as it remains in force		
55 (2)	If a person becomes a lot owner whilst a former owner is liable to pay money to the owners corporation under this division, the person who becomes owner is jointly and severally liable with the former owner to pay the money to the owners corporation	145 (2)	Same
55 (3)	Any money payable to the owners corporation under an applicable by-law may be recovered by the owners corporation as a debt	145 (3)	Same Refers to debt recovery in a "court of competent jurisdiction"

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