



Body Corporate & Community
Management & Other
Legislation Amendment Bill 2012
Submission 143



The Body Corporate and Community Management Matters,
C/- Parliament Legal Affairs,
Parliament House, George Street,
Brisbane. Q4000.

Dear Sir/Madam,

Re: Lot Entitlements – BCCM Act

We, as a Unit owner in Atlantis West, congratulate the Newman Government on their initiative to bring forward a Bill to outlaw the backward step adopted by the Bligh labor Government in their April 2011 legislation where lot entitlements were reverted to those set by the developers in 1985.

Under the 1997 BCCM Act, our Community Titles Scheme 8790, the contribution schedule was adjusted by the specialist adjudicator to be equal, except to the extent to which it is just and equitable in the circumstances for them not to be equal. (165 lots Csl's vary between 57 to 71 with total units of 9997)

We point out one anomaly by the 'specialist adjudicator' in our building when four owners who each owned two separate adjacent self contained Units decided to combine their two Lots under one title without physical alteration of the Units. This preserved two separate complete Units which could be leased separately thus enabling them to pay a reduced lot entitlement. This amalgamation simply achieved a cosmetic joining together of the Units under one title and nothing else changed. The result was that other lot owners were forced to pay a greater proportion of the Body Corporate expenditure to in effect subsidize that amalgamated position.

The new Act now under consideration to replace the Lawler legislation must give attention to this obvious inequity and injustice.

Arkcoll and Fischer erred in the 'equitable' distribution of costs and to the effect of a change from single to amalgamated lots.

Thanking you ,

Yours faithfully,

(C.R. Gibbins)

14 October, 2012.