

Submission

Relevant Bill - Body Corporate and Community Management and Other Legislation Amendment Bill 2012

Proposed by- Don Worner, unit [redacted] owner

Moreton View Tower

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I am presently a part owner of unit [redacted], Moreton View Tower, which is registered as Moreton View Tower & Villas CTS 4934 and I wish to lodge the following submission to the committee which is reviewing the Body Corporate and Community Management and Other Amendment Bill 2012.

The original direct comparisons between a number of units within this complex is shown in a following schedule, together with comparisons following a court decision given 13 February 2007, and a further comparison following the amendments to the act of 2011. The purpose of the comparisons is to show how a grossly unequal contribution was created following the court decision and how a reasonable comparison currently exists after the effects of the amending act of 2011 was applied in this case.

|                  | Unit [redacted] | Unit 106 | Comparison | Unit [redacted] | Unit 105 | Comparison |
|------------------|-----------------|----------|------------|-----------------|----------|------------|
| Original area    | 152m2           | 948m2    | 623%       | 152m2           | 474m2    | 311%       |
| Contribution     | .77%            | 3.03%    | 393%       | .77%            | 1.99%    | 258%       |
| Court decision   |                 |          |            |                 |          |            |
| 13.2.2007        | .94%            | 1.09%    | 115%       | .94%            | 1.00%    | 106%       |
| After 2011 amend | .77%            | 3.03%    | 393%       | .77%            | 1.99%    | 258%       |

Although there are other contributing factors apart from area it can be seen that unit 106 is over six times the area and originally paid four times more in contributions but after the court decision in 2007 paid only marginally more than unit [redacted]. Following the amending act of 2011 and application to vary lot entitlements the original applied, but if the bill currently being considered is approved as proposed the unit six times in area will pay only 15% more than unit [redacted] and similarly unit 105 being over three times in area to unit [redacted] will pay almost the same as unit [redacted].

Here is another set of comparisons with another unit in the complex:-

|                  | Unit 11 | Unit 106 | Comparison | Unit 11 | Unit 105 | Comparison |
|------------------|---------|----------|------------|---------|----------|------------|
| Original area    | 245m2   | 948m2    | 386%       | 245m2   | 474m2    | 193%       |
| Contribution     | .77%    | 3.03%    | 393%       | .77%    | 1.99%    | 258%       |
| Court decision   |         |          |            |         |          |            |
| 13.2.2007        | .96%    | 1.09%    | 114%       | .95%    | 1.00%    | 104%       |
| After 2011 amend | .77%    | 3.03%    | 393%       | .77%    | 1.99%    | 258%       |

It is my submission that the current contributions as determined by lot entitlements in respect of Moreton View Tower and Villas as presently applies is considered to be fair and reasonable and that the act should not be amended as currently proposed. If the amendment is successful then an unfair contribution schedule would be re-imposed on all unit owners in the complex and no doubt there would be other complexes in the same situation.

Don Worner

## ADDITIONAL FIGURES

Comparison figures for unit 15 in Moreton View Tower

|                  | Unit 15 | Unit 106 | Comparison | Unit 15 | Unit 105 | Comparison |
|------------------|---------|----------|------------|---------|----------|------------|
| Area             | 129m2   | 948m2    | 734%       | 129m2   | 474m2    | 367%       |
| Contribution     | .71%    | 3.03%    | 426%       | .71%    | 1.99%    | 280%       |
| Court decision   |         |          |            |         |          |            |
| 13.2.2007        | .94%    | 1.09%    | 115%       | .94%    | 1.00%    | 106%       |
| After 2011 amend | .71%    | 3.03%    | 426%       | .71%    | 1.99%    | 280%       |
|                  | Unit 31 | Unit 106 | Comparison | Unit 31 | Unit 105 | Comparison |
| Area             | 170m2   | 948m2    | 557%       | 170m2   | 474m2    | 278%       |
| Contribution     | .84%    | 3.03%    | 360%       | .84%    | 1.99%    | 236%       |
| Court decision   |         |          |            |         |          |            |
| 13.2.2007        | .95%    | 1.09%    | 114%       | .95%    | 1.00%    | 105%       |
| After 2011 amend | .84%    | 3.03%    | 360%       | .84%    | 1.99%    | 236%       |