

Stephen & Susan Hill



16 October 2012

The Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Sir/Madam

**Re: Body Corporate and Community Management and Other Legislation
Amendment Bill 2012**

With reference to the above community title Bill , we wish to lodge our most strongest objection regarding the implementation of this Bill which will impact on our living costs considerably and we seek to continue to pay our body corporate levies in accordance with the lot entitlements as set by the developer which was reverted last year.

We live in "Aqua" a 104 unit high rise complex in one of the smallest units on a low floor with the lowest body corporate levy and this cost was instrumental in our decision to purchase our apartment in 2008.

After we moved into our apartment we discovered to our dismay in 2009 that through a loophole the penthouse owner had applied to the Body Corporate committee of the time to adjust lot entitlements which meant in effect that my lot entitlements would increase from 73 to 93 whereas the penthouse would reduce from 204 to 122 lot entitlements .

This application meant that two thirds of the residents would be paying more in levies and this caused an uproar and created much discord and distress between unit owners. (My unit is only 113 sq metres compared to the penthouse which occupies 719sq metres). In effect this application made the larger units a much more attractive investment and smaller units worth considerably less and much harder to sell with the substantial increase in levies.

The resulting disruption in the building from this application, particularly to the detriment of smaller unit owners, resulted in an action group being formed to challenge the application and initial "experts" report and a further experts report was commissioned which came in more in favour of the smaller unit owners than the

previous "experts". It was obvious that the two "experts" reports could not agree and during this time approximately \$30,000 was spent in experts and legal fees from our body corporate funds.

Meetings were held and a bad atmosphere prevailed in the building which had never been experienced before. Many of the owners expressed the feeling that you knew the levy when you moved in and why change the goalposts now – this view was shared even by some of those larger unit owners who would have been benefitting by reduced levies following the QCAT application. It is difficult to understand that when you purchase a property with a knowledge of the lot entitlements as set by the developer in 2004 that this can be changed some six years later to the obvious detriment of those unit owners who are least able to afford it.

However, we had to accept the QCAT decision of a compilation between the two experts' reports and our levies were raised until such time that to our relief, we were able to apply to apply in 2011 for the reversion to the original Lot Entitlement as set by the Developer. We, along with many others in the building, breathed a sigh of relief that at last it was all over.

Now it appears we are starting all over again and we beg the Parliament to let the reversion decisions of 2011 to the original Developers Lot Entitlements to be upheld as we have already gone through so much and we can move forward and budget our retirement finances without this cloud over our heads and avoid further divisions between the owners of our building.

Please feel free to contact us if you have any queries.

Yours faithfully

S.A. Hill *S.Hill*

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