

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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Submitter Comments:

I am calling for protection for lot owners against By-Laws that provide exclusive use to common areas without any responsibilities of either regular payment or maintenance. Example 1: We have 14 lots in our complex. Before any lots were sold, at the first AGM, the four original builder-owners allocated themselves one of these rooftops each for exclusive use. These lots never had to pay for this exclusive use access in any way, neither initially nor currently. They do not have to pay for any damage to the membranes. They do not have to pay for any damage to the railings. Fazit: Four owners have exclusive use to rooftops, without any payments, gaining significant value increase to their lots, and the other ten lots have to pay equal shares for all maintenance and repairs, without any benefit. Example 2: Our building was approved showing four visitor car parking spaces on the plan as was and still is the law. Shortly after approval and before any lots were sold, at the first AGM, the four original builder-owners also allocated themselves one of these carpark areas each for exclusive use, leaving the building without any visitor carparks whatsoever. FAZIT: Four owners have exclusive use to a second car park area, without any payments, gaining significant value increase to their lots, and the other ten lots are left without any visitor car parking for our building.