

ELEVATION



VICTORIA
BODY CORPORATE
SERVICES PTY LTD
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Stratasphere: The world of strata! Your questions answered!

Question:

How do I know if I am responsible for repairs to my property and how do I know when it is the responsibility of the Owners Corporation?

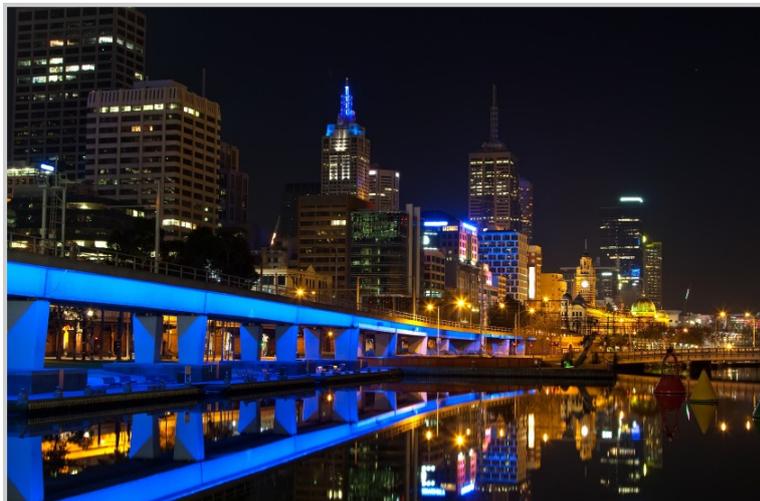
Answer:

When it comes to repairs and maintenance within a strata property responsibility is usually clear. Repairs and maintenance to common property is the responsibility of the owners corporation and repairs and maintenance within individual lots are the responsibility of the owner. However, confusion may arise as to whether a building element is common property within a lot.

It is necessary to ascertain from the plan of subdivision the boundaries of lots and common property. Having established the extent of the lot, it is determined if the building element is within the lot or on common property so as to fix the responsibility for repair and maintenance.

Where a building forms a boundary of a lot, the plan usually specifies whether the inner face, the outer face or the median (mid-line) as the location of the boundary. For older plans registered under the Owners Corporation Act the boundary is the median line of any wall, fence, floor or ceiling unless the plan specifies otherwise. It is necessary to refer to the plan of subdivision to ascertain the particular boundary.

The following general rules apply and are subject to the plan of subdivision and provisions of the Owners Corporations Act 2006 and other prevailing legislation.



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Answer Continued:

Part of the property	Who is responsible?
Ceiling	Owners are responsible to repair and maintain the ceiling of the lot unless the plan of subdivision specifies that the boundary is the interior face of that ceiling.
Walls	Owners are responsible to maintain and repair walls within the lot. The owners corporation maintains walls forming a boundary of the lot to the extent that it is common property as defined in the plan of subdivision.
Carpets and Floating Floors	The owner must repair and maintain carpets and floating floors within the lot. The owners corporation repairs and maintains common property carpets, such as hallway carpets.
Tiles	Any internal coverings such as tiles attached to a floor are the responsibility of the lot owner to repair and maintain.
Light fittings	Light fittings within the lot are the responsibility of the owner. The owner is also responsible for any light fitting on common property, such as a porch light, which is under the control of the occupier.
Roller door of garage	Repairs to boundary roller doors which serve the property are the responsibility of the owners corporation. An owner is responsible to maintain a roller or tilt door which serves only the owners garage.
Balcony	Balconies are generally the responsibility of the owner although where the boundary is defined as inner face, the balcony slab will be common property. Any tiles, membrane or fixtures attached to the floor are the responsibility of the owner.

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Answer Continued:

Common repairs

The following is a guide to who is responsible for some of the most common repairs in a strata property.

Repair	Who is responsible?
Burst pipe in the bathroom	An owner is responsible for the repair and maintenance of any service which serves a lot exclusively and this includes pipes in the bathroom unless a notation on the plan indicates that the pipe is common property.
The water from the shower is not draining away	This is the responsibility of the owner unless the blockage is in a common drain.
There is damp and mould in my unit	If the cause is failure of the damp course it will depend upon whether it is located within an owners unit or on common property. The owner is responsible for the mould on their walls.
Electricity inside my unit has been cut off or not working	The supply of electricity is the owners responsibility. This includes the wiring from the meter and cabling within the unit.
There is a leak in the gas pipe serving my unit	An owner is required to maintain any service which serves that lot exclusively and includes the gas pipe running from the meter to the unit.
Water leaks onto my balcony from the unit above every time they water their plants	An owner is not permitted to cause a nuisance or damage common property and overwatering would constitute a breach of either. It would be the responsibility of the owner upstairs to prevent the escape of water.
Our balcony door is damaged and won't close properly	If the boundary of the lot extends past the wall to the edge of the balcony, the door will be within the owners lot and the responsibility of the owner to maintain.