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NSW

WHO'S RESPONSIBLE?

A guide to common property

nsw.strata.community
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Introduction

Common Property is defined in the Strata Schemes Development Act 2015 as 'so much of the parcel as from time to time that is not comprised in any lot.'

Generally speaking, in most strata schemes, the lot owner owns the airspace and everything in it within the boundary of the unit. They don't own the main structure of the building.

The owners corporation is responsible for the repair and maintenance of common property.

This publication provides a list of items found within a building that could generally be considered common property.

However, depending on the history of the building, renovations and by-laws, determining what is and isn't common property is a complex matter. In most cases you will need to refer to the strata plan and by-laws to determine who is responsible for repairs and maintenance.

ISTM recommends that you seek legal advice.

How to use this publication

The tables on the following pages provide a **general list** of who is responsible the owner or owners corporation (OC) for repairs and maintenance. Additional information on each item can be found in Appendices 1 and 2.

To help you determine if something is actually common property you need to inspect a copy of your registered strata plan and a current search of the most recent common property title. Copies of the strata plan and searches of the common property title can be purchased through LPI. Check your registered by laws as these all come into effect when determining if something is common property or not.

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The tables on the following pages provide a **general list** of who is responsible, the owner or Owners Corporation for repairs and maintenance.

Type	Item	Who is Responsible?	Additional Information Appendix 1
Balcony	Door, flyscreens/Security door	O/OC	20
Balcony	Door, window & wall	O/OC	20
Balcony	Painting of Balcony Ceiling	O/OC	21
Balcony	Clothesline	O	
Balcony	Columns	OC	33
Balcony	Railings	O/OC	39
Balcony	Awnings	O/OC	18
Balcony	Tiles	O/OC	29
Balcony	Water leaking through wall or floor	O/OC	20
Bathroom	Bathroom Cabinet and/or mirror	O	
Bathroom	Blocked floor drain outside of lot	OC	
Bathroom	Burst pipe general	O/OC	8
Bathroom	Cracked bath/handbasin	O	
Bathroom	Dripping "S" bend under sink	O	
Bathroom	Ducting covering stack	O/OC	42
Bathroom	Exhaust fans	O/OC	6
Bathroom	Hot water service	O/OC	31
Bathroom	Leaking pipes under sink	O	
Bathroom	Main stop cock to unit	O/OC	45
Bathroom	Plug and waste in bath	O	9
Bathroom	Shower Screen repairs	O	
Bathroom	Toilet bowl	O	
Bathroom	Toilet Cistern	O/OC	45
Bathroom	Water leaking from bath	O/OC	12
Bathroom	Water leaking from shower	O/OC	11
Bathroom	Water leaking from shower taps	O	
Bathroom	Water leaking through tiles	O/OC	11

Type	Item	Who is Responsible?	Additional Information Appendix 1
Ceilings/ Roof	Ceiling cornices	O/OC	28
Ceilings/ Roof	Exhaust fans	O/OC	6
Ceilings/ Roof	False ceilings	O/OC	24
Ceilings/ Roof	Membranes	O/OC	30
Ceilings/ Roof	Paintwork	O	40
Ceilings/ Roof	Plastered Ceilings	OC	40
Ceilings/ Roof	TV Aerial	O/OC	41
Ceilings/ Roof	Vermiculite Ceilings	OC	40
Courtyard	Fencing	O/OC	16
Courtyard	Pavers	O/OC	18
Courtyard	Clothesline	O	
Courtyard	Guttering on townhouse	OC	35
Courtyard	Tree trimming/removal	O/OC	18
Courtyard	Deck, pergola or steps	O/OC	18
Electrical	Air conditioning systems	O/OC	7
Electrical	Car Lift and Car Lift Operating Systems	OC	
Electrical	Electric Garage Door Opener	O/OC	15
Electrical	Electric Cars	O	
Electrical	Electric Car Charging	O	
Electrical	Exhaust fans	O/OC	6
Electrical	Fuses	O/OC	4
Electrical	Hot water service - exclusive to a lot	O/OC	31
Electrical	Hot water services -communal	OC	
Electrical	Insinkerators	O	
Electrical	Internet Cabling	O/OC	1
Electrical	Intercom handset	OC	36

Type	Item	Who is Responsible?	Additional Information Appendix 1
Electrical	Intercom wiring	O/OC	1
Electrical	Lift and Lift Operating Systems	OC	
Electrical	Light and power wiring	O/OC	1
Electrical	Light fittings	O/OC	5
Electrical	Light switches	O	
Electrical	Power point socket	O/OC	1
Electrical	Smoke detectors	O/OC	3
Electrical	Stoves	O	
Electrical	Telephone (additional wiring required)	O	2
Electrical	Telephone sockets	O	
Electrical	Telephone wiring	O/OC	1
Electrical	TV (Pay TV wiring required)	O	2
Electrical	TV aerial	OC	
Electrical	TV cabling	O/OC	1
Electrical	TV socket	O/OC	1
Entrance Door	Door locks	O/OC	19
Entrance Door	Entrance door automatic closer	OC	
Entrance Door	Entrance door to lot	OC	
Entrance Door	Keys, Security cards etc.	O	
Entrance Door	Security door repair	O/OC	15
Floor	Blocked floor drain	OC	
Floor	Floor and wall tiles	O/OC	25
Floor	Mezzanines within lots	O/OC	34
Floor	Floorboards/Parquetry flooring	O/OC	26
Floor	Internal Carpet	O	13
Floor	Skirting boards and architraves	O/OC	32
Floor	Lino/vinyl/cork tiles	O	

Type	Item	Who is Responsible?	Additional Information Appendix 1
Floor	Linoleum	O	
Floor	Magnesite Floor Base	OC	
Floor	Pavers	O/OC	18
General	Built-in wardrobes/cupboards	O	
General	Carpets	O	13
General	Clothesline on Common Property	OC	41
General	Cracks in Walls	O/OC	23
General	Damage to common property by tenant	OC	27
General	Ducting covering stack	O/OC	42
General	Floorboards/Parquetry flooring	O/OC	26
General	Internal Doors/Walls	O	
General	Internal Paintwork	O	13
General	Keys, Security cards etc.	O	
General	Letterboxes	O/OC	43
General	Lift and lift operating systems	OC	
General	Pipes within a lot servicing only that lot	O	
General	Stairs in Lot	O/OC	34
General	Skirting boards and architraves	O/OC	32
Kitchen	Burst pipe general	O/OC	8
Kitchen	Dishwasher	O	
Kitchen	Dripping "S" bend under sink	O	38
Kitchen	Ducting covering stack	O/OC	42
Kitchen	Exhaust fans	O/OC	6
Kitchen	Floor and wall tiles	O/OC	25
Kitchen	Hot water service - exclusive to a lot	O/OC	31
Kitchen	Insinkerators	O	
Kitchen	Kitchen cupboards	O	

Type	Item	Who is Responsible?	Additional Information Appendix 1
Kitchen	Leaking pipes under sink	O	
Kitchen	Lino/vinyl/cork tiles	O	
Kitchen	Linoleum	O	
Kitchen	Main stopcock to unit	O/OC	44
Kitchen	Stoves	O	
Kitchen	Washing Machine	O	
Kitchen	Water Filtration Systems	O	
Parking	Carports	OC	14
Parking	Door controller button	O	
Parking	Door hinge mechanism	OC	
Parking	Electric Garage Door Opener	O/OC	15
Parking	Garage door lock	OC	
Parking	Garage Doors	O/OC	14
Parking	Garage Door auto opening mechanism	O/OC	15
Parking	Garage Door auto remotes	O	
Parking	Light fittings	O/OC	5
Parking	Line marking	OC	
Parking	Mesh between garages	O/OC	16
Parking	Water ingress into garage	O/ OC	17
Plumbing	Blocked floor drain	OC	8
Plumbing	Blocked sewer	OC	8
Plumbing	Burst pipe general	O/OC	8
Plumbing	Damage to unit after water leak	O/OC	13
Plumbing	Dampness in a unit	O/OC	10
Plumbing	Dripping "S" bend under sink	O	
Plumbing	Laundry Tub	O	
Plumbing	Leaking pipes under sink	O	

Type	Item	Who is Responsible?	Additional Information Appendix 1
Plumbing	Guttering on townhouse	OC	35
Plumbing	Main stop cock to unit	O/OC	45
Plumbing	Plug and waste in bath	O	9
Plumbing	Storm water and On-Site Detention systems (OSD) below ground without DA Condition		
	OC		
Plumbing	Toilet bowl	O	
Plumbing	Toilet Cistern	O/OC	45
Plumbing	Water ingress into garage	O/OC	17
Plumbing	Water leaking from bath	O/OC	12
Plumbing	Water leaking from shower	O/OC	11
Plumbing	Water leaking from shower taps and shower head	O	
Plumbing	Taps and Associated Hardware	O	
Plumbing	Water leaking through tiles	O/OC	12
Windows	Cleaning outside	O/OC	37
Windows	Flyscreens	O/OC	15
Windows	Locks, Window Safety Devices	O/OC	15
Windows	Repairs	O/OC	22
Windows	Sash cord replacement	O/OC	22
Windows	Seal to window	O/OC	22

1.	<p>Any pipe, cable, telephone, television, internet wires, ducting, plugs, electrical wiring, light fitting, power point sockets or the like that is for the exclusive use of the lot, then if it breaks: Within the lot is an Owners responsibility.</p> <p>Any pipe, cable, telephone, television or internet wiring, ducting, plugs, electrical wiring, light fitting, power point sockets or the like that services more than one lot, then if it breaks</p> <p>Outside the lot or in a wall, floor or ceiling that abuts to either common property or another lot is an Owners Corporations responsibility.</p>
2.	<p>If not installed on the registration of the strata plan then the Owners Corporation are not required to install them.</p> <p>Any extra pipe, cable, television, internet, ducting or electrical wiring, plug and their connection sockets or the like that is for the exclusive use of the lot, if not installed on the registration of the strata plan the Owners Corporation is not required to install them.</p>
3.	<p>Fire regulations state if smoke detectors are stand alone and are not connected to a fire board or hard wired in the building, whether they service one lot or are in common property then they are Owners Corporation responsibility this is in accordance with the Environmental Planning and Assessment Act 1979. An owner who installs a smoke detector i.e. stuck to the ceiling within the airspace of the lot is responsible for its maintenance.</p>
4.	<p>The supply of electricity is the Owners Corporation's responsibility. However, any cabling within the unit's internal walls that only services the individual lot, is the owner's responsibility. You need to check with your supplier if your electricity is cut off and then you need to check the fuse board.</p> <p>If the fuse board is within the lot, then it is the owners responsibility. If the fuse board is in the meter room then it is the Owners Corporations responsibility.</p> <p><i>NOTE: Because the meter room is common property, we cannot prevent owners or occupiers gaining access to it. However, we are not required to give them a key. If requested for a key, you should inform them that if we give them a key and they electrocute themselves, we could be held responsible. However, they can get a key from Sydney Electricity or the electricity supplier in your area.</i></p>
5.	<p>If the light fitting is recessed in the ceiling, it is the Owners Corporation's responsibility to maintain. If the light hangs into the lot, it is the owner's responsibility. Normally light fittings are always the responsibility of the owner, except if it is recessed and on two other occasions:</p> <ol style="list-style-type: none"> 1. On the balcony where the strata plan details the upper height of the balcony as being less that where the light fitting is. E.g. The strata plan reads "The upper height of the balcony extends 2.3 metres above the concrete slab" and the light fitting is 2.5 metres above the concrete slab. Then the light fitting is in common airspace and is the responsibility of the Owners Corporation. In the situation where the light fitting is in a carport or garage of a lot but is connected to communal power, the responsibility to maintain it still falls with the owner of the lot except where the light fitting is installed to also illuminate other areas within the scheme; and 2. The light fitting is located in common areas like garages or hallways and is then deemed common property.
6.	<p>Owners Corporation must repair anything in the ceiling. However, there may be circumstances where the owner is liable if they have made improvements to the ceiling. If it is inside the lot it is the Owners responsibility. If it is mounted within "Structural cubic space" e.g. communal ducting or a false ceiling which is designed to carry communal pipes etc. or outside the lot, then it is the responsibility of the Owners Corporation.</p>

7.	<p>That part of an air-conditioning system that is inside or outside of a lot and for the exclusive use of that lot is the responsibility of the owner. Parts outside the lot are the responsibility of the Owners Corporation unless they are subject to a special by-law.</p> <p>If the air-conditioning system services more than one lot it is the responsibility of the Owners Corporation.</p>
8.	<p>Normally burst pipes are the responsibility of the Owners Corporation. However, if a pipe is for the exclusive use of the lot and is located in an internal wall, then if it bursts within the lot – Owners responsibility (e.g. pipe in an internal wall feeding the shower).</p> <p>If a burst pipe is in a boundary wall, or outside the lot this is the Owners Corporation responsibility to maintain (e.g. the hot water pipe bursts they are in the concrete floor, floor drains or sewer pipes with common property). If it is in an internal floor and the pipe services more than one lot, it is the Owners Corporation responsibility to maintain that burst pipe or any plumbing under the floor.</p> <p>If the Strata Plan was registered before 1st of July 1974 Townhouses with two levels which has a middle level may not be shown on the registered Strata Plan. In these cases the floor, bathrooms plumbing/drains etc. would be an owner responsibility.</p> <p>The Plug & waste is within the airspace of the lot and therefore the responsibility of the Owner to repair and maintain.</p>
9.	<p>The Plug & waste is within the airspace of the lot and therefore the responsibility of the Owner to repair and maintain.</p>
10.	<p>If dampness (e.g. mould) is occurring in a unit, it must be first determined where the water is coming from. The Owners Corporation is responsible for water penetration problems coming in through external walls or the floor. The owner is responsible for the mould on their walls. If the dampness is coming from condensation from the inside, then it is the owner's responsibility. Common causes of this is:</p> <ul style="list-style-type: none"> • kitchen cooking; • use of clothes dryer; and • sleeping in bedroom without opening window (The average person expels 400ml of water each night while sleeping); <p>in this case mould is normally more virulent in the colder months and would normally occur on a southern wall or on flat concrete roof. Also the mould would occur on the surface of the paint with no paint lifting. If it was coming from outside, then the paint would lift with white powder under the paint.</p>
11.	<p>The tiles on the floor or on a common wall that separates 2 lots or the lot from common property are the responsibility of the Owners Corporation. This includes the shower base.</p> <p>However, if the water is leaking through an internal wall, it is the responsibility of the owner.</p> <p>An exception is where water is leaking through the 2nd floor of a townhouse that was built prior to 1st July 1974. The tiles on the floor in this case are the Owners.</p> <p>Any original floor tiles that are replaced and associated waterproofing affixed to common property floors after the registration of the strata plan is the lot owners responsibility.</p>

12.	<p>The seal/grouting around the top of the bath is in the owners responsibility to maintain unless the leaking seal/ grouting abuts an external wall. The plug and waste under the bath is still within the lots airspace and therefore is the owners responsibility to maintain if water is leaking under the bath into the lot below.</p>
13.	<p>The owner must repair and maintain carpets in the lot. The Owners Corporation repairs and maintains common property carpets, such as carpets in the hallways. If damage is caused to a lot owner's property while the Owners Corporation are effecting a repair, the Owners Corporation are responsible to fix the damaged property.</p> <p>However, if the cause of the damage to the owner's property was not made when the Owners Corporation were fixing the problem; instead it was caused by the problem itself, then the Owners Corporation are not responsible to make good the owner's property unless the Owners Corporation can be deemed negligent. E.g.:</p> <ol style="list-style-type: none"> 1. A burst pipe occurs in a wall and the Owners Corporation have to knock a hole in the wall to fix it. The Owners Corporation are responsible to fix the hole and repaint the wall afterwards. 2. A burst pipe occurs in a concrete slab. The owner's corporation fix the leak, but water stained the ceiling paintwork of the unit below. Here the Owners Corporation are not responsible to repaint the ceiling because it was not the fixing of the repair that caused the damage. 3. A burst hot water service soaked the Magnesite or any soundproofing floor base in a unit that was installed at the time of registration of the strata plan and the Owners Corporation had to take up the carpet to dry the Magnesite or any soundproofing floor base. Once the Magnesite or any soundproofing floor base had dried, the carpet could not be re-laid because it had shrunk. The Owners Corporation would be responsible for the carpet because the carpet was damaged because they had to take it up. 4. With example 3, if the Magnesite or any soundproofing floor base was not damaged, the Owners Corporation would not be responsible to dry out the carpet or replace it, if it shrunk because the damage to the carpet was not caused when the Owners Corporation were fixing common property.
14.	<p>Repairs to the boundary garage doors are Owners Corporation responsibility. If the garage door does not form part of the boundary (determined by a thin line on your registered strata plan) or there is a by-law in place then this garage door is the lot owners responsibility.</p> <p>Carports are normally always the Owners Corporation responsibility to maintain, this includes the spring and hinge mechanisms unless they were installed by the owner under an exclusive use by-law after the registration of the strata plan or they are a lot owners responsibility on the registered strata plan.</p>
15.	<p>If the garage doors are on the registration of the strata plan, and shown by a thick black line then they are the responsibility of the Owners Corporation (Fair Trading takes the view that garage controller is classified as the lock and door closer for the garage door albeit it being electric. Therefore as with the main lock and door closer to a unit's entrance door being Owners Corporation responsibility, so is the controller). However, if they were installed after by the owner, and show a thin line on the strata plan then they are the owner's responsibility.</p> <p>The Owners Corporation is responsible for the installation and maintenance of window safety devices. However, the Owners Corporation can adopt a common property rights by-law which confers the right and obligation to install and maintain any locking or safety device to individual lot owners.</p> <p>Window lock keys are the responsibility of the lot owner.</p>

<p>16.</p>	<p>If the garage door mesh are shown as a thick line on the strata plan then they are deemed a common wall and the responsibility of the Owners Corporation. However, if they are shown as a thin, dotted or no line on the strata plan then they are treated in accordance with the Dividing Fences Act 1991 and are treated as follows:</p> <ul style="list-style-type: none"> • Divides two lots. Each owner is responsible 50/50 • Divides one lot from common property. The owner is responsible 50% & the owners corporation is responsible 50% • Divides one lot from the adjoining property. The owners corporation are responsible for 100% of its share. <p>Mesh between storage cages can also divide the ownership of two lots. In this case if the line on the strata plan is a thick line then this is deemed common property. If it is a thin line or dotted line or no line on the strata plan then it is treated as diving of two lots and each owner is responsible for the maintenance of this mesh between the storage cages. The mesh is almost always registered as an Owners Corporation responsibility.</p>
<p>17.</p>	<p>A garage by definition is not a habitable space and therefore dampness may occur. As the garage is not a habitable space it is therefore exempt from compliance with the waterproofing standards for habitable use set by the Building Code of Australia, that it be impervious to water penetration. Unless there is some damage to common property that is causing the water penetration, or existing membranes have failed the Owners Corporation are not responsible to ensure a garage area remains dry. However, the Owners Corporation are responsible to stop water dripping on to a car and damaging the paintwork or damaging personal property.</p>
<p>18.</p>	<p>Most balconies, courtyards or garden areas attached to a lot have their vertical boundaries defined on the registered strata plan. E.g. The stratum of the courtyards are limited to a depth of 3 metres below and except where covered to a height of 10 metres above the concrete ground floor of its respective adjoining lot. Therefore anything within that area that is not shown on the strata plan as a thick black line and is for the exclusive use of the lot is therefore the owners responsibility to maintain. This includes timber decking, awnings and pavers. Furthermore a tree growing within a courtyard is deemed to belong to the owner and they are responsible for all pruning, removal or damage caused from the tree irrespective of whether some of the branches extend beyond that lot with the exception of that part of the tree which exists within common property via a notation on a strata plan or registered by-law.</p> <p>For trees outside the boundaries of the lot, for example, a tree outside the notation of a strata plan, the airspace above and below as noted on the Strata Plan are an Owners Corporation Issue.</p>
<p>19.</p>	<p>Only the original lock or its subsequent replacement is the responsibility of the Owners Corporation. If any additional locks are installed, they are the responsibility of the owner. If the owner replaces the original lock with a lock that prevents the door complying with fire certification, if the owner refuses to replace it with a complying lock, the Owners Corporation can replace the lock and charge the owner as a debt.</p> <p>The Owners Corporation is responsible for any common property entrance door lock that services more than one lot including all furniture and automatic closers, other than those installed by an owner after the registration of the strata plan and not including any related remote controller. Keys, security swipe cards and access passes is the responsibility of the Owners Corporation to maintain. They are normally purchased from the Owners Corporation for a fee.</p>

<p>20.</p>	<p>Balconies are generally the responsibility of the Owners Corporation unless the strata plan was registered before 1 July 1974 the balcony wall including the windows and door and their working parts are generally part of the lot and the lot owner's responsibility for maintenance and repairs (unless there is a notation on the strata plan or the balconies are not shown on the strata plan). A check should be made of the certificate of title as some schemes have adopted the new boundary definition detailed in the Strata Schemes Management Act 1973 effective from 1 July 1974.</p> <p>If there is water penetrating between two floors the cause needs to be determined. If the water is running off common property, the Owners Corporation is responsible. However if, for example, the water is caused by over watering by another owner or resident, that person doing the overwatering is responsible.</p> <p>If the plan was registered after 1 July 1974 the balcony wall including the windows and doors and their working parts are generally common property and the Owners Corporation's responsibility (unless the strata plan says otherwise). With the exception to flyscreen's and/ or security doors which are always the lot owners responsibility.</p> <p>An exception to this rule is when a flyscreen is located on a common property window, this will be the responsibility of the Owners Corporation.</p> <p>If a flyscreen is installed after the registration of a strata plan, the lot owner is responsible for this flyscreen.</p> <p>If there is a flyscreen that was an original flyscreen and each lot owner has the same flyscreen this is an Owners Corporation to maintain.</p> <p>Any awning, deck, pergola, privacy screen. Louvres, retaining walls, planter walls, steps or other structures within the cubic space of a balcony or courtyard and not shown as common property on the strata plan are the responsibility of the lot owner.</p>
<p>21.</p>	<p>Balconies are generally the responsibility of the Owners Corporation unless there is a notation on the strata plan limiting the height of the balconies stratum to a height less than the under surface of the balcony above. It is nearly always the responsibility of the owner. However, the Owners Corporation will normally include the painting of this area when the whole building gets repainted. Balcony doors that are registered after 1 July 1974 are the Owners Corporation responsibility to maintain.</p>
<p>22.</p>	<p>Balconies are generally the responsibility of the Owners Corporation with the exception where #20 applies, the Owners Corporation are responsible for their repair & maintenance.</p>
<p>23.</p>	<p>Walls and doors that are on the boundary of the lot are the responsibility of the Owners Corporation to maintain.</p> <p>Internal walls and doors are the owner's responsibility. If cracks appear in an Owners Corporations wall and/ or cornice and are less than 2mm thick, they are not deemed as damage and the Owners Corporation are not compelled to repair them. The owner must repair all internal walls within the lot.</p>
<p>24.</p>	<p>If the false ceiling was installed on the registration of the strata plan and were there to hide communal piping, ducting or wiring etc. then the Owners Corporation are responsible for this false ceiling (other than painting, which shall be the lot owners responsibility). Otherwise all false ceilings installed to hide the piping and ducting or wiring for the services of one lot are the lot owners responsibility.</p>

25.	<p>Original tiles and associated waterproofing affixed at the time of registration of the strata plan and on a boundary wall or floor are the responsibility of the Owners Corporation. All other tiles in any area in the lot are the owners responsibility. The two exceptions are:</p> <ol style="list-style-type: none"> 1. The tiles on the 2nd floor of a townhouse that was built prior to 1st July 1974. The tiles on the floor in this case are the Owners responsibility. 2. The tiles were laid by the owner and are subject to a by-law.
26.	<p>Except for floor coverings in communal areas, all internal carpeting, floor coverings, floating floors, lacquer and staining on surfaces of parquetry flooring within a lot are the responsibility of the lot owner.</p>
27.	<p>Owners Corporation must repair anything in the boundary walls. The Department of Fair Trading has deemed any damage to common property made by either owners or tenants as being the responsibility of the Owners Corporation to maintain and repair. Unless the damage was deliberate, they deem this as normal wear and tear. An example of this is the marking of the walls in the stairwell after a tenant moves in unless there is a by-law in place to recoup the costs of the damage or an NCAT order has occurred.</p>
28.	<p>Ceiling cornices on external walls are generally the responsibility of the Owners Corporation unless they abut a false ceiling or are attached to an internal wall and the lot owner has made improvements to the ceiling in these cases they are the responsibility of the lot owner.</p>
29.	<p>Generally, if the tiles were there on the registration of the strata plan, then they are the responsibility of the Owners Corporation. If they were installed after by the owners then they are the owner's responsibility.</p> <p>However, always refer to the strata plan for a clear indication of the balconies boundaries.</p> <p>Be careful when reading notations on the strata plan, in accordance with the court case "Seiwa Pty Ltd v Owners Strata Plan 35042", the following example only defines the upper boundary and not the lower boundary. "BALCONY LIMITED IN HEIGHT TO 2.5 ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR THEREOF EXCEPT WHERE COVERED".</p> <p>Any tiles attached to the concrete floor with the above notation on the strata plan would still be the responsibility of the Owners Corporation if they were affixed prior to registration of the strata plan.</p>
30.	<p>Membranes on flat roofs are generally the responsibility of the Owners Corporation unless the building was registered prior to the 1st July 1974 and the roof area is part of the same lot which is underneath the roof. Furthermore it should be noted that if the Owners Corporation are responsible to maintain the membrane, then they are also responsible to make good any structure that has to be removed when repairing the membrane.</p>
31.	<p>A hot water service is inside a lot and for the exclusive use of that lot it is the responsibility of the owner. However if situated outside the lot and services more than one lot it is the responsibility of the Owners Corporation unless subject to a special by-law.</p>
32.	<p>Skirting boards and architraves are the owners responsibility unless situated on a common wall and are original to the strata plan.</p>

33.	<p>A strata plan will typically not show columns. They may exist within a courtyard or balcony of a lot supporting the balcony above or within the lot supporting the slab. Either way the columns are structural cubic space as they are supporting the structure of the balcony or slab which is common property.</p> <p><i>Note: A wall whether structural or not cannot be structural cubic space. For a wall to form common property it must be shown or referred to on the plan as common property. See definition of structural cubic space. (cubic space occupied by a vertical structural member, not being a wall, of a building).</i></p>
34.	<p>Stairs and Mezzanines within a lot are generally the responsibility of the owner corporation if shown as a separate level in the strata plan unless the Strata Plan was registered prior to 1st July 1974. The Strata Schemes Development Act 2015 defines a floor to also include a stairway or ramp.</p>
35.	<p>Even though they may be within the boundaries of a strata lot the down pipes and attached drainage pipes are structural cubic space as they service the roof and gutters which are common property. Again this only applies provided the pipes were in place at the time of registration of the plan. To add further pipes at a later date requires the creation of an easement.</p>
36.	<p>As intercom handsets are part of an integrated system and a faulty handset can affect the overall workings of the intercom system, handsets are deemed to be an Owners Corporation responsibility regardless of whether they are mounted entirely within the airspace of a lot provided that this intercom services more than one lot. If there are separate intercoms for each lot i.e. a 2 lot strata scheme and they are not connected then each lot owner is responsible for the maintenance of that intercom.</p>
37.	<p>Normally the cleaning of windows is the responsibility of the owner or occupier of the lot. However always check the By-Laws of the strata scheme; even if model By-Laws have been used, The Owners Corporation is still responsible for cleaning regularly all exterior surfaces of glass in windows and doors that cannot be accessed by the owner or occupier of the lot safely or at all.</p>
38.	<p>Everything in the airspace of a bathroom or kitchen including baths, toilets, sinks and dishwashers are the owner's responsibility. However the Owners Corporation's building insurance may cover some of these fixtures for damage if the water was to penetrate between two floors, you would need to check your PDS to confirm if this is covered. The owners corporation must insure owner fixtures and fittings under Section 161(3) of the Act. Owners Corporation insure but do not repair.</p>
39.	<p>Railings are the responsibility of the Owners Corporation unless these railings are within a lot then they are the responsibility of the lot owner.</p>
40.	<p>Prior to 1st July 1974 any Plastered ceilings and vermiculite ceiling, shall be the lot owners responsibility. If these exist at the time of registration of the strata plan they are the Owners Corporation responsibility to maintain, unless noted in the strata plan or there is a by-law in place. If installed by a lot owner this lot owner is responsible to maintain.</p> <p>Internal paintwork is almost always the responsibility of the lot owner.</p>
41.	<p>If the television aerial, or satellite dish or any cable or internet wiring servicing more than one lot, regardless of it is contained in a lot or not is the responsibility of the Owners Corporation.</p> <p>If the aerial services only one lot it is the responsibility of the lot owner.</p>
42.	<p>Ducting covering stack or structure covering a services that services more than one lot or common property is the Owners Corporation responsibility to maintain.</p>

43.	Letterboxes are the Owners Corporation responsibility unless within a lot and then this is the lot owners responsibility.
44.	Stopcock only serving that lot not within any common property wall is the lot owners responsibility. If this stopcock is in a common property wall then this is an Owners Corporation issue.
45.	Bathroom Toilet Cistern – A Bathroom Toilet Cistern is lot owner responsibility however In some apartments the cistern is located in a common duct therefore in these circumstances only this is an Owners Corporation responsibility.

Insurance Appendix

In broad terms building policies issued by insurance companies extend to include owners fixtures and structural improvements in addition to common property considerations. The degree of cover is dependent upon the insurer and type of cover held. The broadest types of cover available in the market are accidental loss or damage policies. At the other end of the market are the cheaper defined events type covers.

It is important that owners understand that fixtures are an owner responsibility for maintenance purposes however these fixtures are usually covered by insurance if damaged by a defined event under the policy for example, a fire , flooding/water, and/or Malicious damage etc. were to occur.

Insurances Fixtures found inside units are items such as stoves, kitchen cabinets, fixed wardrobes.

For the purposes of this exercise it is assumed;

- cover has been issued under an accidental loss or damage type policy
- a by-law does not exist making repairs for the item the responsibility of a unit owner
- the installations are not illegal
- the said items have suffered loss or damage as a result of accidental means
- maintenance, deterioration, corrosion or other specific policy conditions or exclusions are not applicable

Having regard for the assumptions noted above the classification rating of 1-4 can mean;

1. The item forms part of the building for insurance purposes. Cover may be available against accidental loss or damage situations. The item is the responsibility of the lot owner to maintain.
2. The item forms part of the building for insurance purposes however is unlikely to be covered having regard for maintenance issues. If however maintenance is not an issue i.e. fire damage, the situation could alter into a classification rating 1.
3. The item may not necessarily form part of the building for insurance purposes however could be covered in certain circumstances by a special or additional benefit under the policy.
4. Cover is unlikely. This is probably a maintenance issue or not insured property under the building policy.

¹Note - this classification rating is intended as a guide only. Actual cover is dependent on the prevailing policy terms, conditions and exclusions that may apply with the insurer at the time of loss.



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