

REGISTRATION SERVICES

Customer Information Bulletin

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CONTENTS:

GENERAL OUTLINE OF THE STRATA TITLES GENERAL AMENDMENT REGULATIONS 2006

INTRODUCTION

Amendments to modernise and update the Strata Titles General Regulations 1996 (STGR) were gazetted on 24 January 2006 in Gazette No 18.

The Community Titles Advisory Committee (CTAC) has been reviewing the Strata Titles Act 1985 (STA). This review has revealed that the STGR has several regulations that needed amending. Additionally the Department of Land Information (DLI) has been reviewing its procedures and has identified the need for regulation changes.

The changes are to:

- Introduce accountability for the correctness of strata plans
- Increase the monetary limits prescribed for various matters
- Amend deficiencies in the requirements for the retention of records
- Enable the introduction of a standard plan format
- Prescribe the description of boundaries under Section 3(1)(b) of the Strata Titles Act 1985
- Resolve miscellaneous minor deficiencies

ACCOUNTABILITY FOR PLANS

These amendments require licensed surveyors to be fully accountable for the correctness of strata plans that they lodge with the DLI. Previously there was no control over the accuracy of the information on the strata plan.

For deposited plans which relate to conventional "green" titles a licensed surveyor must certify that the plan is a correct representation of the survey of the relevant land and that the plan complies with the relevant written laws in relation to which it is lodged. This certification helps to ensure the accuracy of the information held by the DLI in relation to spatial matters. Accuracy of this information is essential for consumers and the broader property industry.

Previously there was only a limited obligation for surveyor's certification of Strata Plans. This limited obligation related only to the external boundaries of the parcel for the scheme. No certification from a licensed surveyor was required in relation to any boundaries of the lots and common property within the perimeter of the parcel for the scheme. This had implications for the accuracy of the spatial information held by DLI and provided to consumers and the broader property industry.

The amendments introduce a requirement for a licensed surveyor to certify strata plan in the same manner as is required for a standard deposited plan. This ensures the accuracy of the information contained on the plan

INCREASE MONETARY LIMITS

Monetary amounts are prescribed under various sections of the Act. These are for such things as By-law contravention, spending limits of Council, fees payable to the strata company under S43 etc. In general these have not been updated since 1996 and are no longer adequate. Amounts have been updated in line with CPI except Schedule 1 item 4 which deals with fees paid to the Strata Company for the provision of information. These fees have been increased to reflect the cost of providing this service in accord with a joint submission from the Real Estate Institute of WA and the Strata Titles Institute of WA.

The maximum penalty in a by-law has been increased from \$400 to \$500.

The spending limit of council under Section 47(1) has been increased from \$50 to \$65 per lot.

The maximum amount of penalty that may be ordered under Section 103I has been increased from \$400 to \$500.

The fees payable to the Strata Company for the supply of information and certificates under Section 43 have been amended. Schedule 1 item 4 is varied by replacing "5.00" with "10.00" in 4(a), replacing "20.00" with "40.00" in 4(b), replacing "50" with "100" in 4(c) and replacing "\$20.00" and "\$0.50" with "\$40.00" and "\$1.00" respectively

RETENTION OF RECORDS

Section 35(1)(h) of the STA lists nine categories of documents which must be retained by the Strata Company "for the prescribed period". There are eight specific kinds of documents. The ninth category is a catch all "such other documents as may be prescribed".

The STGR previously only prescribed a retention period for two of those categories. There was no retention period for the other six defined categories.

The STA did not specify a need for retention of three categories of documents. They are the record of resolutions without dissent, insurance policies and the records required to be delivered by the original owner under Section 49. These are important documents and therefore have now been prescribed under Section 35(1) (h)(ix).

Regulation 25 has been amended to overcome these deficiencies

The period for retention of records is as follows

(a) Records kept under S35(1)(h)(ii) to (vii)	7 years
(b) Records kept under S35(1)(h)(i) and (viii)	20 years or until they cease to have effect, whichever is the latter
(c) Records of resolutions without dissent	As per (b)
(d) Insurance policies	As per (b)
(e) Records delivered under S49 (3)(a)	To be retained for the life of the scheme
(f) Records delivered under S49(3)(b)	In accord with (a)-(d) above

STANDARD PLAN FORMAT

DLI is undertaking a project to standardise the format of all plans lodged for registration and to provide for electronic lodgement of plans. The amendments are part of the process of aligning the various sets of regulations to accommodate the standard plan format.

The amendments to Regulation 4 are designed to allow the Registrar to set standards for the quality and medium for plans and forms lodged for registration. It recognises that something other than the traditional hard copy medium may be used.

The amendments to Regulation 5 replace the current Forms 1, 2 and 4 with the standard plan sheet in the survey regulations. Similarly the amendment to Regulation 14L replaces Form 34 with the standard plan sheet.

BOUNDARIES IN MULTI TIERED SCHEMES

This amendment corrects an anomaly which had the potential to lead to disputes as to the ownership and management of buildings within strata schemes.

The boundaries of cubic spaces within buildings that are not part of a single tiered scheme will now be required to be described as the inner surface of the wall, the upper surface of the floor and the under surface of the ceiling.

All other cubic spaces described under section 3(2)(b) will be described in a manner that is unambiguous.

MISCELLANEOUS AMENDMENTS

Several regulations have been amended to correct minor errors in cross referencing and nomenclature.

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