Toowoomba STRATA

fact sheet

unauthorised changes

Get your approvals

The law is very clear if an owner wants to make changes to the common property the owners must obtain "authorisation" from the body corporate.

187 Improvements to common property by owner of a lot—Act, s 159

(1) The body corporate may, if asked by an owner of a lot, authorise the owner to make an improvement to the common property for the benefit of the owner's lot.

(2) The improvement must be authorised by ordinary resolution of the body corporate unless—

(a) the improvement is a minor improvement; and

(b) the improvement does not detract from the appearance of any lot included in, or common property for, the community titles scheme; and

(c) the body corporate is satisfied that use and enjoyment of the improvement is not likely to promote a breach of the owner's duties as an occupier.

(3) An authorisation may be given under this section on conditions the body corporate considers appropriate.

(4) An owner who is given an authority under this section—

(a) must comply with conditions of the authority; and

(b) must maintain the improvement made under the authority in good condition, unless excused by the body corporate.

(5) In this section—

minor improvement means an improvement with an installed value of $3,000 or less.

The approval process is reasonably straightforward.

Section 187(4)(b) also makes it very clear that an owner making an improvement is responsible for ongoing maintenance. The responsibility to maintain passes onto each new owner of the lot.

Documentation of the Approvals

The body corporate is required to keep a register of each authorised improvement.

(3) The body corporate must keep a register for recording each authorisation for the owner of a lot included in the community titles scheme to make an improvement to common property for the benefit of the owner's lot.

Note—

See section 187.

(4) The register mentioned in subsection (3) must include the following details about the authorisation—

(a) when the authorisation was given;

(b) a description of the area of common property authorised for use for the improvement;

(c) any conditions, including conditions as to use of the common property by other persons, stated in the authorisation;

(d) if an adjudicator ordered the body corporate to consent to the improvement—when the order was made.

No Approvals and No Documentation

While owners are meant to seek approvals, often people are simply not aware they need to seek approval for something. So often owners (including former owners) make improvements. Maintenance of these "non approved" items remains the responsibility of the current owner of the unit regardless of who made the improvement.

Common examples, include

- ☐ Air Conditioning
- ☐ Courtyard Paving
- ☐ Courtyard Artificial Grass
- ☐ Hot Water Systems
- ☐ Pergola Coverings
- ☐ Shade Sails
- ☐ Skylights
- ☐ Solar Panels
- ☐ Water Tanks
- ☐ Whirly Birds

And the list goes on!

If your unit has any of these items you will usually be responsible to maintain these items and any damage they may cause. It also does not matter if these items were installed by a former owner or by you.