

Strata & Community Titles

A guide to Strata and Community Titles in South Australia

What is a Strata Title?

A strata title is a title associated with town houses, home units and commercial uses such as shops or warehouses. The title is evidence of ownership of a unit in a strata plan. A strata plan divides a building and its associated land into units and common property, each of which has a title.

The boundaries of the units are defined by reference to parts of the building, not by reference to the land. The units may also include unit subsidiaries set aside for the exclusive use of a particular unit, for example a carport or yard.

Common property is the part of the land and building in the strata plan which does not form part of any unit and is for common use by all owners eg stairways, paths and driveways.

What is a Strata Corporation?

A Strata Corporation is the legal body formed at the time the strata plan is deposited and comprises the registered owners of all the units in the strata plan. A Strata Corporation has powers and responsibilities to administer the building and care for such things as the land around the building, entrance, stairways and paths.

Where can I find the rules relating to owners of Strata Titles?

The rights and responsibilities of the Strata Corporation and unit owners are governed by an Act called the Strata Titles Act 1988. The Articles, which form part of the Strata Titles Act, are the rules and regulations that define the powers and obligations of the Strata Corporation and owners.

The Articles may place restrictions on the behaviour of residents, for instance not allowing them to keep pets. Articles can be changed by a special resolution at a meeting of the Strata Corporation. A record of the change should be made in the minutes of the meeting and also be lodged on the appropriate form with the Lands Titles Office to be effective and legal.

Are meetings required to be held?

A Strata Corporation may hold a meeting of its members (a general meeting) anytime. The secretary or any two members of the management committee or one fifth of the unit holders can call this meeting.

Voting is on the basis of one vote per unit. At least 14 days written notice must be given to all unit holders before the meeting. A meeting must be held at least once every calendar year, and within 15 months of the last Annual General Meeting.

What is a Community Title?

A community title is evidence of ownership of a lot in a community plan. There are two types of community titles depending on the nature of the scheme, which can be a Community Scheme or a Community Strata Scheme.

In a Community Scheme lot boundaries are determined by surveyed land measurements and are unlimited in height and depth, unless otherwise specified on the plan. In a Community Strata Scheme the lot boundaries must be defined by reference to parts of the building, similar to a strata title.

Both types of schemes must have an area of common property for which the Corporation is responsible.

What is the Community Corporation?

The Community Corporation comprises the registered owners of the lots in the Community Scheme and is formed at the time of deposit of the Community Plan. The Community Corporation's role is to administer the by-laws and manage the common property and any fixtures erected on it.

What are the by-laws (Rules)?

The by-laws are a compulsory document for all schemes. By-laws set out the obligations of the corporation in administering the scheme and are the rules by which the scheme is to be run.

Unlike a Strata Corporation, a Community Corporation can impose a penalty of up to \$500 for breaches of a by-law, which must be paid to the Community Corporation. These fines may be imposed on members of the Community Corporation or any other person, including visitors or outsiders.

The original by-laws document is held at the Lands Titles Office and may be varied by a special resolution at a meeting of the Community Corporation. The variation must be lodged at the Lands Titles Office on the appropriate form within 14 days of passing the resolution.

When can Meetings be held and what is my voting right?

The provisions relating to meetings and resolutions although different, work in a similar fashion to those relating to strata titles. A Community Corporation must have a presiding officer, treasurer and secretary and general meetings must be held at least once in a calendar year. Ordinary, special and unanimous resolutions are required for different motions at meetings. The members of the Community Corporation are the owners of the community lots. Lot owners generally have one vote each however if the scheme is for commercial purposes this may be varied within the by-laws.

Is there an agency we can go to for resolving disputes?

There is no government agency to oversee the management of strata and community titles or to resolve disputes. If a dispute cannot be resolved by negotiation or through a community mediation service, an application may have to be made to the Magistrates Court to decide the matter.

For further information on Community or Strata Titles go to the Legal Services Commission web site at www.lsc.sa.gov.au or contact Land Services SA.



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