



Building General Owners Works **Bylaws**

What you need to know...

1. Covers specific types of works within a lot

A general owners works by-law is applicable to all lot owners and is passed under section 47 of the *Strata Schemes Management Act 1996* (the Act).

This by-law can cover specific types of additions and alterations within a lot that may affect the common property. The by-law can not be a blanket by-law for all works performed by an owner on a lot, the by-law must be a specific authorisation for a particular action proposed: *Stolfa v Hempton [2010] NSWCA 218*.

All lot owners under this type of by-law are empowered to undertake certain types of works with the written approval of the owners corporation and in accordance with other conditions specified in the by-law.

2. A retrospective clause for unauthorised works undertaken by an owner can be included

An owners corporation has the power to make lot owners responsible for unauthorised works carried out by their predecessors in title: *Hogan v Owners Corporation SP* [2003] NSWCTTT 726*.

A general owners works by-law with a retrospective clause covering unauthorised works on a lot, will put current lot owners on notice that they are responsible for any unauthorised works carried out by a previous owner of their lot. It will also clarify that a lot owner who carried out unauthorised works is responsible for the ongoing repair and maintenance of the unauthorised work.



3. Keeping a record of applications and works

Once the by-law is passed, the owners corporation can resolve to keep a schedule of owners works in a table. The schedule can be updated throughout the year and attached to the minutes of each annual general meeting of the owners corporation to ensure it is kept on the owners corporation's record for future lot owners and is disclosed in any search to potential purchasers of a lot.

4. Have a Specialist Strata Solicitor Prepare your By-law

A general owners works by-law empowers an owner to undertake certain works on the lot with the written approval of the owners corporation and subject to conditions as approved by the owners corporation under the by-law. The by-law also confers obligations on owners for unauthorised works already undertaken by that owner or their predecessor's in title, ensuring that the owners corporation are indemnified for any responsibility in respect of those works.

Contact **Building Bylaws** to prepare your special owners works by-law to ensure that the interests of the Owners Corporation are adequately protected and lot owners are made responsible for the works undertaken on their lot.