

CUSTOMER INFORMATION

BULLETIN



DOLA

OFFICE OF TITLES

Department of LAND ADMINISTRATION

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STRATA TITLE PLANS - NOTATION THAT PARTS OF COMMON PROPERTY FOR USE OF PARTICULAR LOTS

Many strata plans particularly under the Strata Titles Act 1966 have endorsed on them that parts of the common property (for such purposes as carports and gardens) are for the use of the proprietors of a particular lot. This notation was authorised under Section 5(1)(f) of the Strata Titles Act 1966. Such a notation however does not of itself give a proprietor exclusive use or occupation of the area. Such a right was required under the Strata Titles Act 1966 to be given by the strata company, either by

- a) Lease to a proprietor or
- b) Grant to a proprietor of exclusive use and enjoyment of an area of common property
 - (i) pursuant to by-law 3(f) of Part 1 of the Schedule to the Act or
 - (ii) by making a by-law under Section 15(1) of the Act.

Section 5(1)(f) was not reproduced in the Strata Titles Act 1985. Accordingly, the authority for such entries ceased on the 30th June 1985.

The practice of making such notations has however continued.

As from 15th September 1988 strata plans containing such notations will not be registered until such notations have been deleted.

The use to which a lot or part lot may be put can be restricted in accordance with Section 6 of the Act. For example, a notation to the effect of a delineated part of a lot being "Pursuant to Section 6 of the Strata Titles Act 1985 restricted to use as a car port" is acceptable. What is not acceptable, is to say that such car port is for the use of a particular lot.

D.L. MULCAHY
DIRECTOR
LAND TITLES