

### The responsibilities of owners and residents

All owners and residents in a strata scheme must obey the by-laws and s. 116 & s. 117 of the Act.

The by-laws are a set of rules that all people living in a strata scheme must follow. Strata schemes existing before the commencement of the Strata Schemes Management Act on 1 July 1997 have By-laws 1-19 set out in Schedule 1 of that Act, together with amendments made to those by-laws by the owners corporation.

The matters that were previously contained in By-laws 1-11 in Schedule 1 to the Strata Schemes (Freehold Development) Act and Schedule 3 to the Strata Schemes (Leasehold Development) Act have been included as provisions of the *Strata Schemes Management Act 1996* and are no longer by-laws.

A strata scheme registered after the commencement of the Act on 1 July 1997 must choose and register its own by-laws. There are six model sets of by-laws in the Regulations and the owners corporation may select any of these or prepare their own.

#### By-laws

The owners corporation can change or cancel any of the by-laws to assist with the running of the strata scheme. A special resolution is needed.

A by-law has no force or effect if it is inconsistent with this or any other Act or law [s. 43 (4)].

By-laws cannot prevent guide dogs or hearing dogs being in the scheme, nor prevent children (persons under 18 years) occupying the scheme.

Any exclusive-use by-law in place at the time of registration of the scheme, and that remains in place, must be disclosed to purchasers by vendors by a copy of the by-law being attached to the contract of sale.

#### By-laws and tenants

All of the by-laws in place in the strata scheme apply to tenants in the same way as they apply to lot owners. Tenants must be given a copy of the by-laws within seven days of beginning a lease.

### By-laws 1-20 of Schedule 1

#### 1. Noise

An owner or occupier must not make noise at any time within their lot or on common property that is likely to disturb peaceful enjoyment of another resident or anyone using common property. (Note: This by-law was previously By-law 12 in Schedule 1 to the Freehold Act and By-law 13 in Schedule 3 to the Leasehold Act).

#### 2. Vehicles

An owner or occupier must not park or stand a vehicle on common property without the written permission of the owners corporation. That permission can be cancelled. Permission does not give an owner or occupier a permanent right over that part of common property. (Note: This by-law was previously By-law 13 in Schedule 1 to the Freehold Act and By-law 14 in Schedule 3 to the Leasehold Act).

#### 3. Obstruction of common property

An owner or occupier must not stop lawful use of common property by another person. (Note: This by-law was previously By-law 14 in Schedule 1 to the Freehold Act and By-law 15 in Schedule 3 to the Leasehold Act).

#### 4. Damage to lawns, etc on common property

An owner or occupier must not damage any lawn, garden, tree, shrub, plant or flower on the common property and must not use any part of common property as their own garden. (Note: This by-law was previously By-law 15 in Schedule 1 to the Freehold Act and By-law 16 in Schedule 3 to the Leasehold Act).

#### 5. Damage to common property

An owner or occupier must not damage any structure that is part of the common property unless they have the owners corporation's written permission. Owners are responsible for maintaining anything they have installed. This rule does not stop an owner from installing a locking or safety device or screens for protection against intruders or to prevent entry of animals or harm to children. They must be installed in a professional manner and be in keeping with the appearance of the rest of the building. (Note: This by-law was previously By-law 16 in Schedule 1 to the Freehold Act and By-law 17 in Schedule 3 to the Leasehold Act).

### *6. Behaviour of owners and occupiers*

An owner or occupier must be adequately clothed when on the common property and must not use language or behave in a way which might offend or embarrass others using common property. (Note: This by-law was previously By-law 17 in Schedule 1 to the Freehold Act and By-law 18 in Schedule 3 to the Leasehold Act).

### *7. Children playing on common property in building*

An owner or occupier must make sure any child under their control does not play on common property areas inside the building. Children must be supervised by an adult when on common property laundries, car parking areas or other areas dangerous to children. This does not stop children from playing unsupervised on common property areas outside the building that are not dangerous (eg. a lawn). (Note: This by-law was previously By-law 18 in Schedule 1 to the Freehold Act and By-law 19 in Schedule 3 to the Leasehold Act).

### *8. Behaviour of invitees*

An owner or occupier must make sure their visitors do not behave in a way which might disturb the peaceful enjoyment of another resident. This applies to behaviour in a lot and on common property. (Note: This by-law was previously By-law 19 in Schedule 1 to the Freehold Act and By-law 20 in Schedule 3 to the Leasehold Act).

### *9. Depositing rubbish, etc on common property*

An owner or occupier must not throw rubbish, dirt, dust or other materials on the common property that may interfere with the peaceful enjoyment of another resident. (Note: This by-law was previously By-law 20 in Schedule 1 to the Freehold Act and By-law 21 in Schedule 3 to the Leasehold Act).

### *10. Drying of laundry items*

Unless an owner or occupier has the written permission of the owners corporation they must not hang washing, towelling, bedding, clothing or other articles on any part of the strata scheme (eg. on the balcony of your lot) so that it may be seen from outside the building. Clothing hung on the common property clothes lines must only be there for a reasonable time. (Note: This by-law was previously By-law 21 in Schedule 1 to the Freehold Act and By-law 22 in Schedule 3 to the Leasehold Act).

### *11. Cleaning windows etc*

An owner or occupier must clean all glass in windows and doors on the boundaries of the lot, even though they may be common property. (Note: This by-law was previously By-law 22 in Schedule 1 to the Freehold Act and By-law 23 in Schedule 3 to the Leasehold Act).

### *12. Storage of inflammable liquids*

An owner or occupier must get written permission from the owners corporation if they want to store any inflammable materials in the lot or on common property. But they may store these materials without permission if they are to be used for domestic purposes. (Note: This by-law was previously By-law 23 in Schedule 1 to the Freehold Act and By-law 24 in Schedule 3 to the Leasehold Act).

### *13. Moving furniture etc on, or through, common property*

An owner or occupier must tell the owners corporation executive committee if they are going to move large objects or furniture through common property areas of the building. This allows an executive committee representative to be present during the move. (Note: This by-law was previously By-law 24 in Schedule 1 to the Freehold Act and By-law 25 in Schedule 3 to the Leasehold Act).

### *14. Floor coverings*

An owner must cover the floor of their lot or treat it to stop noise which may disturb another resident. This does not apply to the kitchen, laundry, lavatory or bathroom of a lot. (Note: This by-law was previously By-law 25 in Schedule 1 to the Freehold Act and By-law 26 in Schedule 3 to the Leasehold Act).

### *15. Garbage disposal*

An owner or occupier must keep a clean, dry and adequately covered garbage bin in their lot or on the authorised part of the common property.

They must make sure their garbage is securely wrapped and all tins and containers are properly drained.

They must put their garbage out to be collected, in the area chosen by the owners corporation, no earlier than 12 hours before collection.

They must return their garbage bin to the proper place as soon as possible after collection.

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They must not put any rubbish in another resident's garbage bin, unless they have their permission.

They must make sure that any rubbish spilt from their garbage bin is removed. (Note: This by-law was previously By-law 26 in Schedule 1 to the Freehold Act and By-law 27 in Schedule 3 to the Leasehold Act).

### *16. Keeping of animals*

An owner or occupier must not keep an animal unless they have the written permission of the owners corporation. The owners corporation must not unreasonably refuse permission to keep an animal. (Note: This by-law was previously By-law 27 in Schedule 1 to the Freehold Act and By-law 28 in Schedule 3 to the Leasehold Act).

### *17. Appearance of lot*

Unless an owner or occupier has the written permission of the owners corporation, they must not keep anything within their lot that is not in keeping with the appearance of the rest of the building. (Note: This by-law was previously By-law 29 in Schedule 1 to the Freehold Act and By-law 30 in Schedule 3 to the Leasehold Act).

This does not apply to the hanging of any washing, towelling, bedding, clothing or other articles mentioned in By-law 10.

### *18. Noticeboard*

An owners corporation must put up a noticeboard somewhere on the common property. (Note: This by-law was previously By-law 3 in Schedule 1 to the Freehold Act and By-law 3 in Schedule 3 to the Leasehold Act).

### *19. Notice of a change of lot usage*

An occupier must give the owners corporation notice if the use of the lot changes and the insurance premium for the scheme changes, for example change to a hazardous activity using chemicals or change from residential use to commercial or industrial use.

### *20. Fire safety inspections*

An owners corporation must comply with a requirement of a notice to carry out an inspection of a building or premises for purposes relating to fire safety given under the *Environmental Planning and Assessment Act 1979* [s. 65C].

## **Other responsibilities under section 116 and 117**

An owner or occupier must not interfere with any support or shelter provided by their lot for another lot or the common property.

An owner must give the owners corporation at least 14 days written notice before altering the structure of their lot. The notice must describe the alterations.

The owners corporation can stop alterations to a lot if it interferes with the common property or any support to the rest of the building.

An owner or occupier must not interfere with the passage or provision of water, sewerage, drainage, gas or other similar services.

An owner or occupier must not use or enjoy their lot in such a way which might cause a nuisance or hazard to another resident.

An owner or occupier must not use or enjoy the common property in a way that may interfere unreasonably with another resident's use and enjoyment of common property or their lot.