

INFORMATION SHEET

THE BODY CORPORATE

Land Titles Office

All strata schemes have a body corporate.

The body corporate is made up of all owners of lots in the strata scheme.

The body corporate must be functioning to undertake this role.

When does the body corporate commence?

The body corporate is the controlling body of a strata scheme. The body corporate is made up of all the lot owners in the strata scheme. It comes into existence automatically on registration of the strata plan by the Recorder of Titles. No expenditure is required to form the body corporate.

What is the name of my body corporate?

The name of the body corporate is in a particular format. Usually it is 'Strata Corporation No....' (insert the number and the name of the scheme, which is usually the address, as shown on the strata plan) e.g. Strata Corporation No. 751231, 1 North Street, New Town but can be a name approved by the Recorder of Titles, e.g. Strata Corporation No.45673, High Towers, Hobart.

What are the functions of the body corporate?

The functions of the body corporate include:

- to enforce the by-laws, i.e. ensure that all lot owners, occupiers and their invitees abide by the by-laws;

- to control, manage and improve the common property, e.g. painting buildings on common property;
- to maintain the common property in good condition and keep it in good and serviceable repair, e.g. keep lawns on common property cut and in good care;
- to maintain the insurance required by the *Strata Titles Act 1998* and any further insurance that may be required by resolution of the body corporate;
- to allocate spaces to lots for vehicle parking on the common property; and
- to carry out other functions for the benefit of lot owners, e.g. renting out offices on common property.

It is recommended that the body corporate should have by-laws which provide for an internal dispute resolution process for the strata scheme.

Who is responsible for calling and holding the first meeting of the body corporate?

The original owner of the title to the land (who is usually the developer or builder) over which a strata plan has been registered is required to call the first meeting of the body corporate. The meeting must be called within three months after registration of the strata plan or when at least one-half of the lots on the strata plan have been sold, whichever is the earlier.

What happens if the original owner fails to call the first meeting?

First talk to the other lot owners and arrange a meeting at a time and place that suits all owners. If no agreement can be reached between lot owners, any lot owner may apply to the Recorder of Titles by way of application for relief requesting an order to appoint a person to call a meeting. An original land owner who fails to call the first meeting may incur a penalty set out in the *Strata Titles Act 1998*.

How often is the body corporate required to meet?

The body corporate must conduct an annual general meeting each year. A meeting must be held within fifteen (15) months of the previous meeting. A body corporate may have a special general meeting at any time and must hold a meeting if required by more than one-third of the lot owners.

Is your body corporate functioning?

The body corporate may have been functioning in the past but isn't now, or it may never have been. As a lot owner you are likely to be aware if the body corporate is functioning by way of the following:

- you have received notices of meetings, notice for payment of contributions and are aware that the body corporate is maintaining common property.
- other occupants of lots in your strata scheme may also know if the body corporate is functioning and provide you with further information – ask them.
- you have received documents during the purchase of your property which may contain information indicating that the body corporate is functioning. For example, insurance has been taken out by the body corporate.

What can I do if the body corporate fails to meet as required by the Strata Titles Act 1998?

If the body corporate is functioning and has a secretary request the secretary to hold a meeting. If there is no secretary or the body corporate is not functioning, talk to the other lot owners and arrange a meeting at a time and place that suits all owners. If agreement cannot be reached between lot owners, any lot owner may apply to the Recorder of Titles by way of application for relief requesting an order to appoint a person to call a meeting.

How do I make an application for relief?

An application form may be obtained from www.dpipwe.tas.gov.au and lodged at the Land Titles Office, Level 1, 134 Macquarie Street, Hobart. The lodgment fee is, at the time of writing, \$35.00.

Where to obtain further information?

The information in this sheet is a guide only. Specific information regarding body corporate matters is found in the pamphlet titled "The Body Corporate". Strata Living in Tasmania is a booklet containing further information about Strata developments in Tasmania, and can be purchased from any Service Tasmania Shop or viewed free of charge at www.dpipwe.tas.gov.au. Alternatively read Part 6 of the *Strata Titles Act 1998*, which may be purchased from the Digital Print, 123 Collins Street, Hobart or viewed free of charge at www.thelaw.tas.gov.au.

CONTACT DETAILS

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