

Unit Titles Legislation Amendment Act 2023

Commencement Date: 1 July 2023, Amends numerous Acts and Regulations.

Summary of amendments for strata managers/lot owners only. NB: other amendments made affect developers, conveyancers and ACT Registrar General

Issue	Unit Titles Legislation Amendment Act 2023 / Land Titles (Unit Titles) Act 1970	
OC Rules - Change to Rules	N/A	<p>When an owners corporation (OC) seeks to amend its alternative rules (including a grant of a special privilege), a compilation of the alternative rules must be lodged for registration together with either:</p> <ul style="list-style-type: none"> (a) a 'certificate' (pursuant to section 3.19 of the UTMA) to be lodged within 3 months after the resolution was passed, or (b) the declaration made by ACAT invalidating the rule (s 27A)
Class B Units Plan – Insurance Exemptions	N/A	<p>If a class B units plan exempts itself from the requirement to take out building insurance, it must lodge a 'certificate' (under section 3.19 of the UTMA) with the Registrar-General (RG) within 3 months after the resolution is passed (s 27B)</p>
Issue	Unit Titles Legislation Amendment Act 2023 / Unit Titles (Management) Act 2011	
Sublet of Common Property	N/A	<p>An OC may sublet its interest in any part of the common property for not longer than 5 years for the purpose of a business/activity if: (a) authorised by a special resolution; (b) the affected part of the common property is not the subject of a grant of special privilege; and (c) the business/activity does not unreasonably interfere with the reasonable use or enjoyment of any part of a unit or the common property; and subject to the condition that the sublessee takes out insurance for the affected part of the common property (with the total amount of liability agreed by the OC and the sublessee in writing) (s 20(3) and (4))</p>
Building Management Statements	N/A	<p>Existing OCs may opt-in to a new, or amend an existing, Building Management Statement via a special resolution (s 33B)</p>

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Insurance Excesses	N/A	A note has been added to clarify when an OC may recover insurance excess payments from unit owners or occupiers (s 100A(2)(b) Note)
Building Insurance Requirement Exemptions	An exemption resolution (a resolution exempting a units plan from the requirement to take out building insurance for any risk stated in the exemption resolution) has effect from the date of the annual general meeting when it is passed until the date of the next annual general meeting (s 101(3))	The date an exemption resolution takes effect differs between buildings which have exempted themselves where (1) the replacement value of all common property buildings is less than the amount prescribed by regulation, and (2) the building contains Class B units only For (1), the exemption takes effect from the date of the annual general meeting (AGM) until the date of the next AGM. For (2), the exemption takes effect on the registration of the resolution and continues until the day another unanimous resolution amending or revoking the exemption is registered. OC must register the exemption resolution with the RG within three months of the decision. If the resolution is not registered within 3 months, the resolution is taken to have never been made. The exemption resolution does not affect the requirement for an OC to hold public liability insurance (s 101(3)-(5))
Corporate Register – Information to be Included	N/A	In addition to the existing requirements, if the OC subleases part of the common property, the corporate register must include details of the sublease and the sublessee’s full name and address for correspondence (s 114(2)(d))
Corporate Register – Provision of Information	Unit owners must give the OC written notice of the exchange of sale contracts for a unit in a conveyance (s 115(1)(a))	Notice requirement at exchange is no longer required (s 115(1)(a)) and sympathetic amendments (s 115(4))
Corporate Register - Access	N/A	Allows access to the corporate register by an eligible person to request information about a sublease of common property (s 116(1)). Section 116(5) adds two new definitions, eligible person and interest (in the common property), to support the changes in relation to subleases

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Unit Title Certificate / access to OC records	N/A	Four-month time limit for an eligible person to request a unit title update certificate from OC after obtaining a unit title certificate (s 119(1A))
Service of Documents	N/A	Sublessees of common property are considered interested persons for the purpose of service of documents (s 124(6))
Minutes and Records	N/A	If alternative rules exist, executive committees must maintain an up-to-date compilation of the alternative rules (s 2.1(1)(h) Sch 2)
Annual Budget for Audit Purposes	The EC of the OC must arrange for the financial records of the units plan to be audited before the AGM if the annual budget of the OC is more than \$250,000 (s 2.1(1)(g)(ii) Sch 2)	For the purpose of calculating the sum of \$250,000, the annual budget of an owners corporation is the sum all funds in the unit plan's general fund, sinking fund, and any other amount held by the owners corporation, for the purpose of conducting an audit (s 2.1A Sch 2)
Issue	Unit Titles Legislation Amendment Act 2023 / Unit Titles (Management) Regulation 2011	
Erections and Alterations – Examples	To erect or alter sustainability infrastructure, the OC's permission must not be unreasonably withheld for: (1) safety considerations; (2) structural considerations (s 1.4(3) Sch 1)	Amends Default Rule 1.4 to add further examples where permission for sustainability infrastructure may not be unreasonably withheld: (3) financial considerations; (4) equity of access to common property, easements, facilities or utility services (s 1.4(3) Sch 1)

NEED HELP?

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