

# LEGAL MATTERS

Cassab & Associates Solicitors E-Newsletter

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## Strata law changes

New strata laws are due to start on **30 November 2016**. While changes are unlikely to result in any immediate impact, it is hoped that they will, in time, better reflect the reality of living in strata properties in today's society. Among others, some of the key changes include:

- Allowing strata schemes to adopt social media, video and teleconferencing technologies to hold meetings;
- Allowing electronic and secret ballot voting;
- Limitations on the amount of proxy votes able to be held by any one person;
- Removal of by laws which ban the keeping of pets—rather, strata schemes will be able to make its own rules regarding pets;
- Increased in the maximum penalty for residents who breach by-laws (previously \$550, now \$1,100); and
- Tenant right to attend owners corporations meetings.

However, arguably the most practical change of all those proposed are changes regarding owner renovations! The

reforms will introduce a 3 tiered approval process for owner renovations:

1. Cosmetic changes—for example, installing a picture hook—tenants will not need to seek owner approval.
2. Minor renovations—for example, installing timber floors—general resolution is required (50% of votes)
3. Renovations that change the external appearance of a lot, or which are likely to affect waterproofing or structural changes—special resolution approval (75% of votes) is required before work can commence.

If you live in, own or manage a strata property, more information about how the changes may affect you are available [here](#).

### Did you know...

Currently, more than 25% of NSW's population lives in, owns or manages strata!



## Dispute Resolution in Retail Leases

The Landlord/Tenant relationship may not always be on the best terms... but what happens if parties in a **retail** lease can't agree?

In NSW, the Retail Leases Act 1994 governs the Landlord/Tenant relationship and where there is a dispute, the Act requires that the parties attempt mediation before applying to take the matter to court.

The NSW Small Business Commissioner will take the role of mediator and sit with both parties in attempt to solve the conflict without the cost, time and emotional burden of litigation. If however, the issue is unable to be resolved, the Commissioner will issue refer the matter to the NSW Civil and Administration Tribunal (NCAT).

NCAT has jurisdiction to hear and rule on tenancy disputes of up to \$400,000 within 3 years of the alleged unconscionable conduct occurring (unless an extension of up to a further 3 years is approved).

After hearing a dispute, NCAT have the power to make a wide range of orders including, without limitation:

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- the payment of money
- possession of the premises
- declaration as to rights, and obligations or liabilities of the parties.

More information can be found [here](#).

Our door is always open to talk about these issues!

Come and visit, give us a call or send us an email!

We love hearing from you!

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