

## OWNER'S GUIDE TO MINOR/COSMETIC WORKS

Dear Owner,

### Repairs

#### *Who is Responsible?*

The Owners Corporation has the responsibility to repair Common Property.

Lot Owners must repair anything that needs repairing within their Lot.

The difficulty that often arises is distinguishing between what is Common Property and what is the individual Lot.

For clarification as to where the boundaries of your Lot are, and what is Common Property, you should check the strata plan and review the By-Laws. A copy of the strata plan can be obtained by making enquiries with the Strata Manager and searches through Land Property Information NSW (LPI NSW).

#### *Responsibility of the Lot Owner*

Everything inside the airspace of the unit, including all internal walls, fixtures, carpet and paint on the walls is usually part of the Lot, and is therefore the responsibility of the Lot Owner to repair.

#### *Responsibility of the Owners Corporation*

Everything outside that airspace including walls, windows, doors, and tiles fixed to the floor and boundary walls is usually part of the Common Property, and is therefore the responsibility of the Owners Corporation to repair.

The following table will assist to identify typical parts of a Lot or Common Property repaired or given Cosmetic improvement over time.

<b>Part of the Property</b>	<b>Who is responsible</b>
Ceiling	Anything <u>in</u> the ceiling - Owners Corporation. Repairs and painting to the surface of the ceiling inside the unit - Lot Owner
Walls	Anything <u>in</u> the <u>boundary walls</u> – Owners Corporation. Repair, painting or resurfacing of walls within the Lot - Lot Owner
Carpets	Repair and maintenance of Carpets in a Lot - Lot Owner. Repairs and maintenance of Common Property carpets, such as carpets in the hallways – Owners Corporation

Tiles	Repair and maintenance of original tiles on boundary walls and floor or common areas - Owners Corporation. Repair or replacement of tiles affixed to (or which hang into) a Lot - Lot Owner
Roller door of garage	Repairs to the boundary roller doors - Owners Corporation. Maintenance or repair of roller doors falling completely within a Lot - Lot Owner.
Light fittings	Light fittings recessed into the ceiling - Owners Corporation. Light fittings that hang into the Lot - Lot Owner
Balcony	Balconies are generally the responsibility of the Owners Corporation to repair, however the By-laws will impose an obligation on the Lot Owner to maintain balconies for the use of the Lot
Burst pipes	If the pipe is in a boundary wall - Owners Corporation If it is in an internal wall and only services that Lot – Lot Owner If the pipe is underground or in an internal wall that services more than one Lot - Owners Corporation.
Water drainage	If water is not draining away from shower recesses, sinks or balconies, then plumbing repairs and services to these waste water pipes (and infrastructure) if situated in Common Property (or used to service more than one Lot) is the responsibility of the Owners Corporation.

### **Repairs to Common Property**

If any repairs are required to what you believe is or may be Common Property, then you need to contact the secretary of the Owners Corporation or the Strata Manager and let them know the details of the problem.

Minor repairs may be authorised to be fixed without the need for a meeting of the Owners Corporation. For larger, more expensive problems, the Owners Corporation will convene a meeting to decide on what action to take.

If no action is being taken, then a Lot Owner may put a motion requesting repairs to the next meeting.

A Lot Owner can also lodge an application for mediation online with Fair Trading NSW to move things along.

## **Cosmetic Work by a Lot Owner**

The Owner of a Lot in a strata scheme may carry out *Cosmetic Work* to Common Property in connection with the Owner's Lot without the approval of the Owners Corporation.

*Cosmetic Work* includes (but is not limited to) Work for the following purposes:

- installing or replacing hooks, nails or screws for hanging paintings and other things on walls,
- installing or replacing handrails,
- painting,
- filling minor holes and cracks in internal walls,
- laying carpet,
- installing or replacing built-in wardrobes,
- installing or replacing internal blinds and curtains, and
- any other Work prescribed by the regulations or by-laws.

In carrying out the *Cosmetic Work*, the Lot Owner must ensure that:

- any damage caused to any part of the Common Property is repaired, and
- the *Cosmetic Work* and any repairs are carried out in a competent and proper manner.

*Cosmetic Work* does not include:

- Work that consists of *Minor Renovations* (see below),
- Work involving structural changes,
- Work that changes the external appearance of a Lot, including the installation of an external access ramp,
- Work that detrimentally affects the safety of invitees to the Lot or Common Property, including fire safety systems,
- Work involving waterproofing or the plumbing or exhaust system of a building in a strata scheme,
- Work involving reconfiguring walls,
- Work for which consent or another approval is required under any other Act, or
- any other work that may be added to this list by regulations or by-laws.

## **Minor Renovations by a Lot Owner**

A Lot Owner may carry out Work for the purposes of *Minor Renovations* to Common Property in connection with the Owner's Lot with the approval of the Owners Corporation. This approval is given by resolution at a general meeting.

The approval may be subject to reasonable conditions imposed by the Owners Corporation. However, the consent of the Owners Corporation cannot be unreasonably withheld.

*Minor Renovations* include (but are not limited to) Work for the purposes of the following:

- renovating a kitchen,
- changing recessed light fittings,
- installing or replacing wood or other hard floors,

- installing or replacing wiring or cabling or power or access points,
- Work involving reconfiguring walls,
- removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- installing a rainwater tank,
- installing a clothesline,
- installing a reverse cycle split system air conditioner,
- installing double or triple glazed windows,
- installing a heat pump,
- installing ceiling insulation, and
- any other Work added to this list by regulations or by-laws.

These *Minor Renovations* must not involve:

- structural changes,
- changes to the external appearance of a Lot, or
- waterproofing.

Before obtaining the approval of the Owners Corporation, an Owner of a Lot must give written notice of proposed *Minor Renovations* to the Owners Corporation, including the following:

- details of the work, including copies of any plans,
- duration and times of the work,
- details of the persons carrying out the work, including qualifications to carry out the work, and
- arrangements to manage/remove any resulting rubbish or debris.

*A template of an application/letter to the Owners Corporation requesting approval for Minor Renovations is attached to this guide.*

An Owner of a Lot must ensure that:

- any damage caused to any part of the Common Property by the carrying out of *Minor Renovations* by or on behalf of the Owner is repaired, and
- the *Minor Renovations* and any repairs are carried out in a competent and proper manner.

The by-laws may permit the Owners Corporation to delegate its functions under this section to the Strata Committee. This means that the Strata Committee may decide an application for consent for minor Works.

*Minor Renovations* do not include:

- Work that consists of *Cosmetic Work* (see above),
- Work that involves structural changes,
- Work that changes the external appearance of a Lot, including the installation of an external access ramp,
- Work involving waterproofing,
- Work for which consent or another approval is required under any other Act, and
- Work that is authorised by a by-law or a Common Property rights by-law.

Lot Owners should be aware that rectification orders can be made against them for either unlawful Work and/or damage caused by Work that has been carried out by them.

## **Conclusion**

If a Lot Owner is uncertain as to whether proposed works to be carried out are *Cosmetic Works*, *Minor Renovations* or involve structural changes, then clarification should be sought from the Owners Corporation or Strata Manager prior to any repairs or improvements being undertaken.

The only exception to these rules is for the installation of:

- locking or other safety device for protection of the Owner's Lot against intruders, or
- screen or other device to prevent entry of animals or insects on the Lot, or
- any structure or device to prevent harm to children.

Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.

***This guide must not be relied on as legal advice.***

***For more information about this topic seek independent legal advice.***