

## **The Strata Plan, Management Statement and Bylaws of the Strata Company.**

Strata plans define the lots in a strata scheme (areas owned individually) and common property (areas owned jointly by all lot owners in the strata scheme). Strata lots must be limited in height and depth (the stratum of the lot). Strata plans show a building on at least one lot of the strata plan and stratum of the lots is always linked to buildings shown on the plan.

A management statement is a document which contains Bylaws. These Bylaws are prepared by the original proprietor so that the document can be lodged at Landgate with the strata plan or survey-strata plan and are then registered together. The types of Bylaws which can be included within a management statement are referred to in Schedule 2A of the Act. A management statement cannot be registered after the strata plan has been registered. The Bylaws as contained within the management statement do not have to be approved at a general meeting. They exist as soon as the document is registered.

All strata and community schemes have Bylaws. Potentially, every scheme may have different Bylaws. These Bylaws are rules by which lot owners must live in their community. They are therefore important and should be investigated as part of the purchase process. For example; if a purchaser has a cat, they need to ensure that the strata Bylaws do not prohibit the keeping of animals on their lot. Alternatively, Council of Owners (CoO) consent may be required to keep the cat. In this event the purchase contract could be made conditional upon the consent being granted.

A statutory set of Bylaws exist in all strata plans. Schedule 1 & 2 Bylaws in the Strata Titles Act, 1985 (STA). The Bylaws as set out in the Management Statement and the STA is the mechanism available to a body corporate to regulate conduct within the scheme via its Bylaws. The content of the Bylaws is restricted to matters involving the control, management and administration of the common property, and in some cases, the lots. The level and scope of control through the Bylaws is has limits.

Different Strata structures may need different Bylaws for their control and management. The STA sets out a procedure, whereby with the correct resolutions at a duly convened general meeting for the Strata Company it may be possible to repeal, amend and or add new Bylaws to the existing set currently in force at your Strata Complex.

As a Strata Company these documents and the relationship they have to each other form a constitution for the Strata Company, from the strata plan defining the physical boundaries of lots and common property and the management statement and any other Bylaws noting behavior, control and management upon the Strata Lot for all owners jointly or separately. Ultimately in areas of dispute the rules are enforceable in a court of law or other regulatory bodies that impact on Strata Title.

All matters of law are open to interpretation as such I only afford general advice and in areas of differing opinion; determination by a suitably qualified legal expert can be sought.

THE STRATA MANAGER