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Via email: StrataTitlesActReform@landgate.wa.gov.au

Dear Sean

Joint submission into the Strata Titles (General) Regulations 2019 – Seller disclosure and staged subdivision

Thank you for the opportunity to provide feedback on the draft regulations for leasehold strata schemes.

After reviewing the draft regulations, below are our joint comments.

Schedule 2

The wording at 2 (1) (c) appears to be intended to add the owner of the leasehold scheme to the list of those who can make an application to the Tribunal for enforcement of by-laws. However, as drafted, it could have the unintended consequence of implying that it is only the owner of a leasehold scheme who can apply. It needs to be made clearer that categories (a), (b), (d), and (e) apply whether it is leasehold strata or not.

Part 11

Regarding 64 (a) – We feel that it may not be clear enough, reading between section 64 (a) in the regulations and S. 107 of the Act that the owner of a leasehold lot, prospective owner of a leasehold lot, mortgagee of a leasehold lot are all persons with a proper interest?

It is unclear who should the requirement for a ten-year plan, apply to if all the lots in a leasehold scheme are owned by the same entity, which is also the lessee of the scheme? A scenario of a situation could be a community housing provider that has entered a leasehold scheme in order to obtain land which would not otherwise be available for development. If they own all the lots and rent them out under the Residential Tenancies Act, is the scheduling of long-term maintenance not their problem, rather than anyone else's – is it appropriate to put them through additional requirements under this Act? Obviously, the Act should kick in the moment they sold one of the lots.

Similar comments for the Strata Manager qualifications under Part 12 and Schedule 5. If the owner of all the lots is the same company, which is also the lessee of the scheme, could they do their own management without having to employ an external strata manager, which seems unnecessary in this situation? If they were carrying out their own strata management, would they have to meet all the qualification requirements. Again, sale of one lot should mean all requirements of the Act kick in.

We look forward to reviewing the next stages of the draft regulations.

Please contact Lisa Kazalac on policy@shelterwa.org.au or Jennie Vartan at jennie.vartan@communityhousing.com.au if you require any further information.

Yours sincerely



Michelle Mackenzie
Chief Executive Officer



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