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Pet, parking and smokes laws under microscope

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Changes to body-corporate rules governing parking, pets, the redevelopment of existing apartments, smoking and overcrowding are among those being considered by the State Government.

A recent public meeting held in Newstead by the member for Brisbane Central, Grace Grace, was told that several recommendations were being considered.

Where a body corporate has appropriate by-laws and erected appropriate signage, it is proposed it can have an illegally parked vehicle towed after sufficient notice has been given or immediately – without notice – if the vehicle blocks access.

If the body corporate follows the correct guidelines, it is recommended that it not be liable for any loss or damage to the vehicle or any towing or storage costs.

The keeping of pets could be prohibited if the original owner of the unit includes such a by-law in the first community management statement or if the body corporate adopts a by-law banning pets without a dissenting vote.

Any no-pets by-law would not be permitted to operate retrospectively.

Similarly, smoking in private outdoor areas such as balconies or courtyards might be banned.

The recommendation is that smoking could be prohibited if the original owner includes such a by-law

in the first community management statement or if the body corporate adopts such a by-law without dissent.

This would require a change to the powers of the body corporate so that any such ban could not be found to be unreasonable or oppressive.

Where overcrowding in an apartment is suspected, it is recommended that the body corporate should have the power to report this to the local council or fire service.

If the council or fire service cannot get permission from the unit occupier to enter the unit, it is recommended that the body corporate be able to give consent to enter the unit on behalf of the occupier.

It is also proposed that an amended Body Corporate Community and Management Act allow body corporates to impose fines on unit owners and occupiers who continue to breach by-laws.

If a fine incurred by a tenant remains unpaid, then it is proposed that the body corporate may recover the fine from the unit owner.

One of the more controversial recommendations relates to laws about the redevelopment of an existing block of units.

At the moment, an existing development cannot be sold unless all the owners agree.

Under the proposed changes, only 75 per cent of the lot's owners would need to agree.

Dissenting owners would have 120 days to apply to the District Court to have the sale blocked.

The recommendations are contained in a report commissioned by the State Government from the Queensland University of Technology's Commercial and Property Law Research Centre.

Due to the complexity of the issues involved, no legislative changes are expected until late this year or, more probably, next year.