



Managing Strata Title Scheme Properties Policy

Policy Intent

This policy provides a management framework for the specific tenancy and property requirements of strata title schemes held by Housing Tasmania.

Housing Tasmania's response will be to:

- 1) Activate and/ or participate in bodies corporate within a risk management framework;
- 2) Ensure Housing Tasmania's contribution to relevant strata title scheme costs is made; and,

Ensure prospective and new tenants are advised of the additional requirements of strata scheme living when a property offer is made.

What is a strata title scheme?

A strata scheme is a collection of properties on one block each with their own separate title, known as 'lots' and a share in the common property.

Background

Housing Tasmania manages a number of properties on strata title schemes. Such properties raise additional issues than standard properties as they require management of common areas and sometimes common properties and they are often in closer proximity to each other than standard properties. Specific issues to be aware of are the:

- Need for public liability insurance for common areas i.e. Property and infrastructure, so as to protect all residents and those that enter the strata title property;
- Maintenance and/or repair of common areas; and,
- Relationship between private lot owners, tenants and Housing Tasmania.

Legislative context

Strata title properties are governed by the Strata Titles Act 1998.

As a strata scheme property owner with tenants, Housing Tasmania has responsibilities under this and other relevant legislation such as the Residential Tenancy Act 1997 and Homes Act 1935.

The body corporate

The body corporate is the collective legal entity representing individual lot owners. It is automatically established when a strata scheme is first completed and registered with the Recorder of Titles. However, it may not be activated until the lot owners agree to meet and establish responsibilities and procedures as identified in the Strata Titles Act 1998.



Housing Tasmania is a member of bodies corporate and is entitled to one vote per lot owned and is able to vote by attending meetings or by proxy.

Business Support Managers, Area Managers or their delegates will activate and/or participate in a body corporate on a risk management basis. This will consider the:

- Proportion of Housing Tasmania ownership of the strata scheme;
- Size of the scheme; and,
- Nature of issues under consideration and their impact on the portfolio and tenants.

Meetings of bodies corporate may occur outside business hours. Attendance or voting at a body corporate will be by the relevant Housing Tasmania Manager or delegate. Current industrial award conditions will apply.

Shared responsibilities in strata title schemes

Common areas are owned and maintained by the body corporate on behalf of all the individual lot owners in the strata scheme.

Common areas comprise all the land and buildings not included in any individual lot. Service infrastructure serving more than one lot, such as cables, pipes or equipment, is also common property.

A strata plan exists for each scheme and this details what is privately owned and what is common property.

Housing Tasmania's responsibilities in strata title schemes

Housing Tasmania is responsible for tenancy management, rates, property insurance and maintenance to individual lots owned in a strata title scheme as per standard public housing properties.

Housing Tasmania is also responsible for a proportion of these additional costs:

- Public liability insurance for the common areas; and,
- Maintenance and/ or upgrading of common areas; or,
- A body corporate levy when required.

A body corporate levy is a contribution paid by lot owners as a fund from which body corporate costs are attributed including administration, insurances and maintenance. Where a levy is paid by Housing Tasmania, additional costs will not generally be incurred e.g. a proportion of insurance.

Housing Tasmania is responsible for a proportion of the total costs based on the number of lots owned divided by the total number of public housing lots in the strata title scheme.

In the absence of an active body corporate, Housing Tasmania will convene a meeting of the lot owners to resolve insurance, maintenance or other issues relevant to the strata title scheme or organise the same and seek to recoup contributions from the balance of lot owners.



Where Housing Tasmania holds lots within a block of units or where there are shared walls between strata title units (as opposed to stand alone units) and the body corporate seeks shared property insurance then Housing Tasmania will also contribute to the property insurance.

Information for prospective and new tenants

Under the Residential Tenancy Act 1997, s64C, Housing Tasmania is required to supply tenants of strata title scheme properties with a copy of the Strata Scheme By-laws. These are rules that outline the obligations of anyone living in or owning a property on a strata title scheme.

The lease requires tenants to abide by the rules of a strata title scheme (section 3.22). The specific requirements related to the strata title will be highlighted to prospective tenants when an offer of public housing is made. The By-laws will be attached to the lease as a special condition (section 3.13) and discussed with new tenants at lease sign up.

Dealing with complaints

If a complaint against a tenant is made by a private owner or another tenant in a strata scheme, the usual tenancy management processes should be followed as per the lease agreement under the Residential Tenancy Act 1997.

For further information relating to this policy please email the helpdesk housing.policyhelpdesk@dhhs.tas.gov.au