

# Seminar for owners

March 2015

**Capitol**  
BODY CORPORATE ADMINISTRATION

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## Introduction

**Welcome – safety doors and telephones**

**What and who is Capitol Body Corporate Administration**

**Established 1996**

**Capitol Directors**

Ian D'Arcy, Josephine D'Arcy and Ashley Fox



## Introduction

**The Capitol team – introduce the team**

- Community Relationship Manager (CRM)  
*Body Corporate Manager*
- All CRMs are supported by a Community Relationship Assistant
- Accounts team
- Insurance Manager
- Event Coordinator



## Introduction

### Our culture at Capitol

Followers of: Fish! Philosophy and Speed of Trust

Currently our team is receiving training from National College of Business

### What we do

- Agreed services (secretarial and treasury)
- Non agreed services (maintenance coordination)

**We proudly support Act for Kids as our chosen charity**



## Introduction

### Where are our offices located?

Brisbane | Gold Coast | Redcliffe

### How to contact our team via our website

[www.capitolbca.com.au](http://www.capitolbca.com.au)



## Introduction

### Session topics

Question time at end of seminar

- Termites 101  
*Mark Mellick, Active Lawyers*
- How Capitol can assist you  
*Capitol team*
- Useful tips from your Community Relationship Manager  
*Capitol team*

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**ACTIVE**  
LAWYERS CONSULTANTS  
DELIVERING SOLUTIONS

Presented by Mark Mellick

# TERMITES & BODIES CORPORATE

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### 159 Duties of body corporate about common property—Act, s152

- (1) The body corporate must maintain common property in good condition, including, to the extent that common property is structural in nature, in a structurally sound condition.

*Note—*

For utility infrastructure included in the common property, see section 20 of the Act (Utility infrastructure as common property).

- (2) To the extent that lots included in the community titles scheme are created under a building format plan of subdivision, the body corporate must—
- (a) maintain in good condition—
    - (i) railings, parapets and balustrades on (whether precisely, or for all practical purposes) the boundary of a lot and common property; and
    - (ii) doors, windows and associated fittings situated in a boundary wall separating a lot from common property; and
    - (iii) roofing membranes that are not common property but that provide protection for lots or common property; and
  - (b) maintain the following elements of scheme land that are not common property in a structurally sound condition—
    - (i) foundation structures;
    - (ii) roofing structures providing protection;
    - (iii) essential supporting framework, including load-bearing walls.

### 170 Obligations of owners and occupiers - Act, s160

- (1) An occupier of a lot included in the community titles scheme must keep the parts of the lot readily observable from another lot or common property in a clean and tidy condition.
- (2) The owner of a lot included in the scheme must maintain the lot in good condition.

## Surfer's Green

[28] Pursuant to *section 281*, if damage has occurred to a lot because of a failure to maintain or rectify a defect in something that is the responsibility of the body corporate, then the body corporate would be responsible for rectifying the damage. Therefore, while an owner is generally responsible for the interior of their lot, a body corporate will be liable to rectify any damage to the inside of a lot arising from its failure to effect adequate pest prevention.

## Silvapine Villa's

[24] Liability under section 281 of the Act is not a strict liability [3]. The body corporate is required to act reasonably in performing its functions and it does so if it has a system in place for monitoring the maintenance or state of repair. I am not satisfied that the body corporate has failed to implement reasonable termite prevention and control measures. If the termite damage occurred after 2005, I believe that the body corporate's maintenance plan with respect to termite prevention and control, which has been ongoing since 2005, was satisfactory.

## Ridgeview Terraces

[22] A Body Corporate has a duty to administer, manage and control the common property and body corporate assets for the benefit of the lot owners.[5]

[23] There are obligations on owners and occupiers about the condition in which they must maintain their lots. [6]

[24] An adjudicator must investigate the application to decide whether it would be appropriate to make an order on the application.[7]

[25] The duties imposed on a Body Corporate regarding common property includes an obligation to maintain common property in good condition, including to the extent that it is structural in nature, in a structurally sound condition.[8]

[26] A Body Corporate must maintain in good condition common property included in a community titles scheme under a building format plan of subdivision all railings, parapets and balustrades on (whether precisely, or for all practical purposes) the boundary of a lot and common property; and doors, windows and associated fittings situated in a boundary wall separating a lot from common property; and roofing membranes that are not common property but that provide protection for lots or common property; and maintain the following elements of scheme land that are not common property in a structurally sound condition — foundation structures; roofing structures providing protection; essential supporting framework, including load-bearing walls. [9]

[27] An order to repair damage or reimburse an amount paid for carrying out repairs must only be made if satisfied that the applicant has suffered damage to property because of a contravention of this Act or the community management statement, can order the person who is found to be, on reasonable grounds, responsible for the contravention — to carry out stated repairs, or have stated repairs carried out, to the damaged property; or to pay the applicant a fixed amount as reimbursement for repairs carried out to the property by the applicant. [10]

[28] For an order to be made pursuant to section 281 of the Act an order can not be made, under subsection (1)(a)—if in carrying out the repairs the cost is more than \$75,000; or for an order made under subsection (1)(b)—for reimbursement, the amount more than the maximum sum of \$10,000.

[29] Mrs Heaphy seeks an order that the body corporate pay her the sum of \$50,470.43. The sum is sought for the reimbursement of cost she has paid for carrying out structural repairs to a balcony and her lot.

[30] In relation to the claim, section 276 of the Act gives an adjudicator the power to make an order that is "*just and equitable in the circumstances (including a declaratory order) to resolve a dispute*". Specifically, section 276(2) provides that "*An order may require a person to act, or prohibit a person from acting, in a way stated in the order*". Orders requiring payment of money have been granted by an adjudicator under section 276<sup>[11]</sup> and there is no money limit in respect of orders an adjudicator can make under this provision. <sup>[12]</sup>

[31] In this case Mrs Heaphy made submission that an adjudicator has power under section 276(2) to order the amount of money that she seeks. In this case the Body Corporate does dispute whether an adjudicator has power to make an order for reimbursement of more than the legislative amount set in section 281 of the Act.

[32] Based on the decision in *James v Aarons*, <sup>[13]</sup> find that an adjudicator has power to make an order for reimbursement of funds spent by an owner in performing work the body corporate was required to do. This is irrespective of whether the work was actually performed on the applicant's lot, on the common property, or on another owner's lot.

## How Capitol can assist you

Owner login

Status reports and six monthly reviews

Invoice approval hub

Insurance claims process

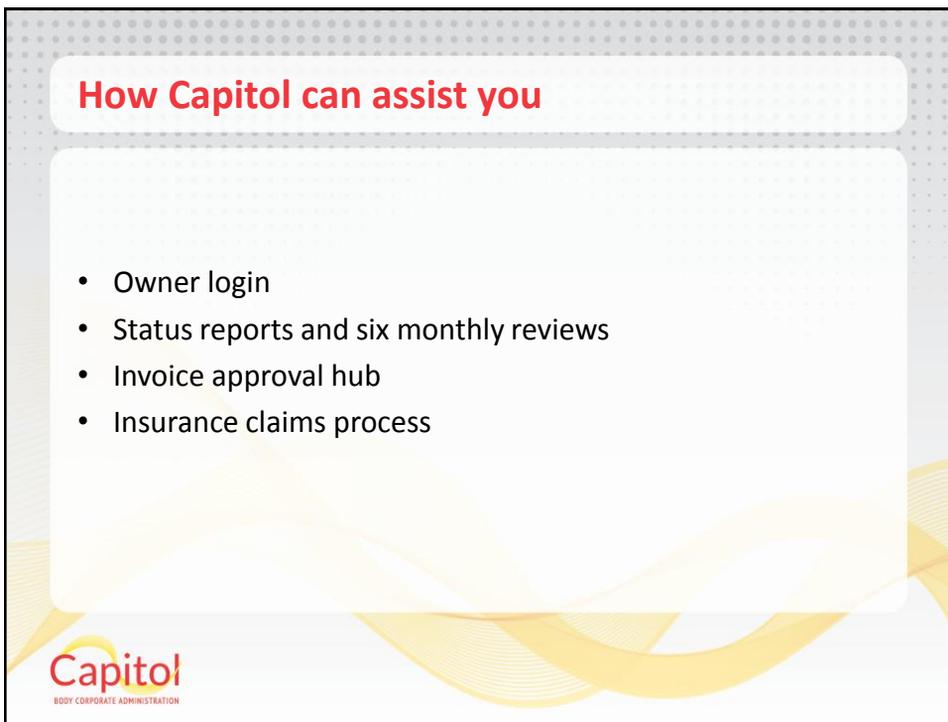


## **Owner login**

## **Status reports and six monthly reviews**

**Felicity Frewin**  
Business Development & Community Relationship Manager

**Capitol**  
BODY CORPORATE ADMINISTRATION



### **How Capitol can assist you**

- Owner login
- Status reports and six monthly reviews
- Invoice approval hub
- Insurance claims process

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## Owner login

Your owner login enables you to securely access information about your body corporate and you can update your contact details at any time 24 hours a day , 7 days a week, the owners portal is updated daily by the team at Capitol.

## Owner login

### **What information will you find in your owner's portal?**

- Your statements and levy information

### **Did you know?**

- You can access current statements for your lot
- Make payments of levies
- Update your details:  
Change of address, contact telephone numbers and email address

## Owner login

There is immediate access to the following documents  
(download these documents directly to your email)

- Community management statement (including by-laws and plans)
- Building reports (including insurance valuations, safety audit reports and sinking fund forecast)
- Meeting minutes
- By-laws
- Insurance information

## Owner login

Committee members have additional access to your body corporate financial information.

### **What is available to committee members?**

- Up to date financial statements
- Building status reports

## Owner login

### Where do you get your login details?

Owner information pack

(at time of purchase of your unit or if you have recently moved to Capitol)

- StrataPay reference number (series of numbers)
- Password (series of letters)

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## Owner login

### What to do if you don't know your details

Request details via the owner login page

### How to access the login page

Go to [www.capitolbca.com.au](http://www.capitolbca.com.au)

Click on "Login to StrataMax"

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## Owner login

Search... Home About Capitol Owners Developers Events News Contact Us

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Working with owners to create happy, healthy and harmonious communities

Owners Developers About Capitol

Get an E-Quote Online Forms Contact Us **Login to StrataMax**

Find us on Facebook  
As featured in and on **Call Us Today 1300 55 10 19**  
team@capitolbca.com.au



## Owner login

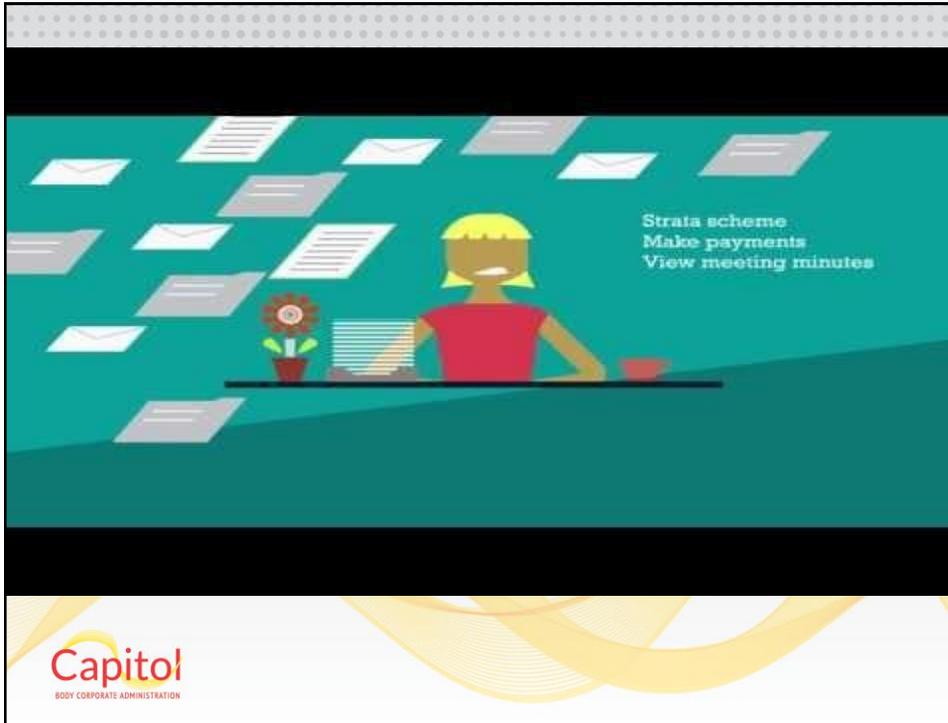
**StrataMax** LOGIN Online Portal  
Font Size: A- A+ Reset

Online Certificates Help

**QuickPay**  
Please enter the 9 digit StrataPay Reference Number found at the top right of your StrataPay Slip, then click on 'Quick Pay' to proceed with your payment.  
**NOTE: No login is required to make payment via Quick Pay.**  
StrataPay Reference     
**QUICK PAY**

**Sign in** Need Help?  
Login:  FAQ  
Password:   
**LOGIN**  
Having problems logging in?





## Status reports and six monthly reviews

### Status reports

- Track the financial management of your body corporate
- Issued monthly to executive committee members
- Uploaded to owner portal
  - All committee members can access
  - Available for 3 months from date of upload

## Status reports and six monthly reviews

### What is included in the report?

- Payment of invoices
- Receipt of levy contributions
- Outstanding contributions
  - No identifying information about owners who have outstanding contributions
- Notification of new owners
- Notification of change of details for current owners
- Monthly statement from Macquarie Bank

## Status reports and six monthly reviews

### 6 monthly reviews

- An update of actions following the AGM
- Manually reviewed and generated by your CRM
- An important communication tool with committees

## Status reports and six monthly reviews

### 6 monthly reviews – example content

Dear committee members

Please find below an update on matters arising from the AGM held on XX MONTH 20XX. Capitol views this report as a key tool to assist the committee with the management of the body corporate. If you have any questions regarding the contents of this report, please contact your Community Relationship Manager.



## Status reports and six monthly reviews

### 6 monthly reviews – example content

Matter arising from AGM	Update	Suggested committee action
Financial	Levies issued in accordance with minutes	
Office bearer's liability insurance	Now included in policy	
Insurance valuation	Completed by CONTRACTOR	
Safety report	Completed by CONTRACTOR	Review the attached 'to-do' list to ensure that the committee has responded appropriately to all recommendations. Please advise if the committee requires assistance from Capitol.
Asbestos audit report	Completed by CONTRACTOR	If asbestos present***** Committee should ensure that the asbestos audit report and asbestos management plan are stored on-site and that any asbestos containing materials are labelled in accordance with the instructions contained in the report.
Asbestos report review	Completed by CONTRACTOR	If asbestos present***** Committee should ensure that the asbestos audit report and asbestos management plan are stored on-site and that any asbestos containing materials are labelled in accordance with the instructions contained in the report.
Fire compliance report	Completed by CONTRACTOR	Review the attached 'to-do' list to ensure that the committee has responded appropriately to all recommendations. Please advise if the committee requires assistance from Capitol.
Fire evacuation practice	Completed by CONTRACTOR No record of practice on file	Fire evacuation co-ordinator NAME must conduct fire evacuation practice.
Certificate of classification	Now part of body corporate records	
Essential documents cabinet	Now installed at the property	
Sinking fund forecast report	Completed by CONTRACTOR	
Common property termite report	Completed by CONTRACTOR	Review the attached report to ensure that the committee has responded appropriately to all recommendations. Please advise if the committee requires assistance from Capitol.
Individual lot termite inspections	Available lots were inspected	
Gutter cleaning	Completed by CONTRACTOR	
Term deposit	invested in accordance with minutes	
ADD ANY OTHER MOTIONS OR GENERAL BUSINESS AS SEPARATE LINES OR DELETE THESE LINES.		



## Invoice approval hub

**Christine Murray**  
Accounts Manager



## Invoice approval hub

- Accounts team process approximately 4,000 invoices each month
- 10% sent to committee for approval prior to payment
- Invoice approval hub is a new Capitol initiative



## Invoice approval hub

### How can we do it better for you?

Capitol are introducing the automated invoice approval hub.

- Give committees greater control
- All invoices centrally located
- Instant online access at any time
- Simple to operate

## Invoice approval hub

### How does it work?

- Invoice is uploaded by Capitol
- Automated email sent to the nominated approver
  - Chairperson or Treasurer
- If invoice not approved within 7 days, a reminder is automatically generated and sent to nominated approver

John  
Treasurer  
Volunteer

**STRATA  
TOWERS**

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## Insurance claims process

**Linda Grant**  
Insurance Manager

**Capitol**  
BODY CORPORATE ADMINISTRATION

## Insurance claims process

### Insurance claims

- What is claimable under the body corporate policy
- How to lodge a claim
- What supporting documents are required

## Insurance claims process

### What is claimable under the body corporate insurance

Elevators	Pergolas	Doors
Gates	Fences	Toilets
Escalators	Out buildings	Built-in cupboards
Satellite dishes	External signs	Windows
Insinkerators	External awnings	Walls
Sinks	Swimming pools	Closed in balconies
Basins	Underground services	Ducted air-con (servicing more than 1 lot)
Baths	TV & other antennas	
Stoves	Shower screens	Fixed tiling

## Insurance claims process

### What is not claimable under the body corporate policy

Carpets / curtains / blinds	Air conditioners that only service 1 lot
Loss of rent: tenant default	Contents items (fridge, couch etc)
Dishwashers	Carpet underlay
Domestic appliances	Ceiling coverings
Temporary walls	Temporary floors
Floating floors	Fixtures removable by a lessee at the expiration of the lease
Hot water system servicing 1 lot	

## Insurance claims process

### Example of an insurable event - storms



## Insurance claims process

Example of an insurable event – vehicle impact



## Insurance claims process

Example of an insurable event – vandalism / malicious damage



## Insurance claims process

### Example of an insurable event - glass



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## Insurance claims process

### Where to start with lodging a claim with your insurer

There are three key components that are required to lodge a claim through the body corporate insurer.

1. Claim form is to be completed and signed by the owner/committee.
2. Quote/s for resultant damage are to be supplied
3. An invoice that identifies that the source of the problem has been repaired.

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## Insurance claims process

### Why are these documents required?

To ensure there is no misunderstanding in what is being claimed and how the damage occurred.

It is important that the claim form is completed by the owner/committee rather than this office to ensure that no information is omitted from the claim that may result in disappointment.

Having all the facts and supporting documents may prevent delays.

## Insurance claims process

The insurer will need to know the extent of the damage therefore submitting a quote for the resultant damage will assist with processing the claim and will also identify if an assessor is required to attend the premises.

As a general rule, an assessor will be appointed by the insurer if the claim exceeds \$6,000.00.

## Insurance claims process

### Cause invoice

- An invoice identifying that the repairs to the source of the problem has been attended to will need to form part of claim documents
  - i.e. repairs to the burst water pipe, repairs to the leaking roof etc.
- This is important as the insurer will not pay out on the same damage twice

## Insurance claims process

### Additional information

The insurer/Capitol may request additional information that may assist with finalising your claim.

- Photos of the damage
- Details of the person responsible (if applicable)
- Contact details of the occupant in order to gain access to the property

## Insurance claims process

### Information pack from Capitol

This outlines what is required by you in order to lodge your claim.

- Claim form
- Insurance fact sheets
- Legislation extract regarding excess

Return your documents via email: [insurance@capitolbca.com.au](mailto:insurance@capitolbca.com.au) or by post.

Upon receipt of the documents the claim will be lodged with the body corporate insurer.

## Insurance claims process

### Claim acknowledgement

- Once lodged, you will be issued with a reference number obtained from the body corporate insurer
- Your reference number enables a quick response when obtaining updates for your claim
- Once the insurer reviews the claim they will provide notice of outcome to this office which will be passed onto the person who lodged the claim
- If accepted, the repair work will need to be carried out in a reasonable time frame
- Once the work is completed the invoice for those repairs will be sent to the insurer where either the contactor will be paid directly or the body corporate be reimbursed

## Insurance claims process

### In summary

Capitol will facilitate the your claim process once all the supporting documents are received.

In order for Capitol to provide a well presented claim to the Insurer please ensure the following documents are supplied:

- Claim form
- Quote to rectify resultant damage
- Cause invoice
- Photos of damage
- Contact details

Upon the insurer provides a notice of outcome regarding the claim we will notify the owner/committee of the outcome and the appropriate action will be taken to finalise the claim in question.

## Useful tips from your CRM

### Committee

- Nominating for a committee
- Resignation and replacement
- What happens if no committee
- Responsibilities
- Actioning safety audit reports

### Approvals

- Lot improvements
- Solar panels
- Pet approvals

## Committee

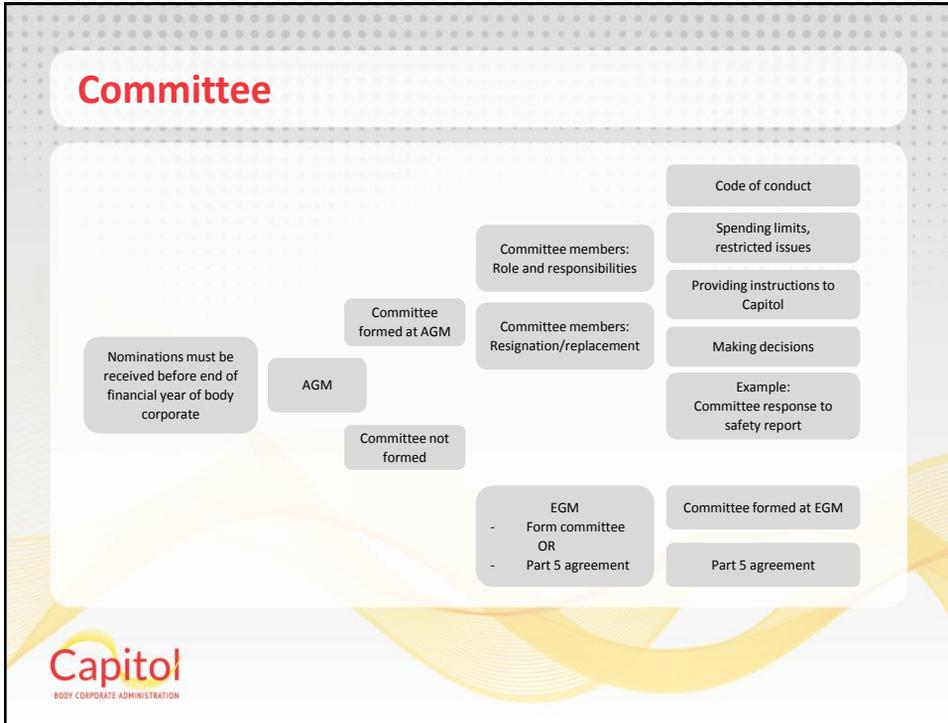
**Matthew Savage**  
Community Relationship Manager

## Committee

### **Applicable legislation**

Body Corporate and Community Management Act 1997 (the Act)

Body Corporate and Community Management (Standard Module) Regulation (2008)



## Committee

Who is on a committee?

- Committee must have 3-7 members
- Chairperson, Secretary, Treasurer roles must be filled
  - One person can fill more than one of these roles

Who is part of a committee under the small schemes regulation?

- Committee must have a Secretary and Treasurer
  - One person can fill both of these roles

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## Committee formation

- Nominations must be received prior to end of financial year
  - Capitol invites owners to submit nominations for the committee and motions for the AGM
  - For nomination to be valid, the nominee and nominator must be eligible based on lot ownership and financial status
  - Nominee must be the lot owner, company nominee or family member of the lot owner
  - Neither party can owe a debt to the body corporate (unpaid levies)

## Committee formation

- Committees are elected by the body corporate
- If a person validly nominates for an available position and no other owner nominates for that position, the nominee is elected unopposed at the AGM
- If a position remains vacant (no nominations received), then nominations will be called for from the floor of the AGM
- Owners may then nominate to be elected on the spot

## Committee formation

### What if more than one nomination is received for the same position?

- A ballot is conducted to elect a nominee
  - The body corporate may have permitted an open ballot
  - If no open ballot, a secret ballot must be conducted
  - Secret ballot involves extra processes that prevent disclosure of who voted for which nominee

## Committee formation

### What happens if a committee is not formed at the AGM?

This is usually due to an insufficient number of nominations

- The body corporate must call an EGM within one month of the AGM
- At the EGM, the body corporate may appoint extra committee members, without the need to conduct an election
- EGM must include a motion to approve a Part 5 agreement

## Committee formation

### Part 5 agreement

- Engagement of a body corporate manager to carry out functions of committee and executive members - Act, section 122
- Agreement must be resolved at a general meeting and then an agreement is signed.
- The term lasts either for 12 months, or until the end of the next annual general meeting, whichever comes first.

## Committee formation

### Part 5 agreement

- The agreement authorises the body corporate manager to act on behalf of the body corporate by exercising powers of the committee and each executive member.
- The body corporate manager then assumes the decision making authority of the committee, carries out the functions of the committee and provides regular reports to the body corporate regarding the management of the scheme.

## Committee formation

### Part 5 agreement

- Most importantly, the appointment of a body corporate manager under a part 5 agreement is expensive. A typical part 5 agreement for 12 months can cost each lot owner an additional \$1,000.00 + GST per year on top of the regular levies.
- It is always preferable to form a valid committee, both to reduce cost and to retain control of your body corporate.

## Committee formation

### Resignation or replacement of committee members

Term of committee – until the end of the next AGM. A casual vacancy may arise if a committee member:

- Resigns in writing
- Dies
- Becomes ineligible
  - E.g. sale of lot
- Is convicted of an indictable offence
- Is not present at 2 consecutive committee meetings without the committee's permission
- Is removed from office by ordinary resolution of the body corporate

## Committee formation

### Resignation or replacement of committee members

If a position becomes vacant and the number of remaining members remains sufficient to form a quorum, the committee must either appoint a new eligible member, or call an extraordinary general meeting (EGM) to choose a person to fill the vacancy. This must be done within 1 month of the position becoming vacant.

## Committee – code of conduct

The code of conduct for committee members is found in schedule 1A of the Act.

- Acquire an understanding of the Act, including this code
- Honesty, fairness and confidentiality
- Acting in body corporate's best interests
- Complying with Act and this code
- Nuisance
- Conflict of interest

## Committee – spending limits

### Repair and maintenance matters

- Multiply \$200 by the number of lots in the scheme
  - E.g. default limit for a scheme with 10 lots is \$2,000
- Can be varied at a general meeting

## Committee – restricted issues

### Section 42 of the Standard Module Regulation including

- Fixing or changing levies
- Changing the rights, privileges or obligations of owners
- Starting legal proceedings other than to recover a debt
- Payment to a member of the committee unless, under Section 43, the decision is not a decision on a restricted issue for the committee
  - travel expenses to committee meetings, maximum \$50 per meeting and \$300 per year
- Any other issue added to the list at a general meeting (e.g. decisions regarding pool equipment)

## Committee

### Providing instructions to Capitol

- Capitol can only act under instruction from the committee or the body corporate
- Capitol cannot make decisions on behalf of the committee or the body corporate.

## Committee

### Making decisions

#### Committee meetings

- All owners must be invited with 7 days notice and given a copy of the meeting agenda.
- Quorum: at least half of the committee members must be present either personally or by proxy
- Simply majority voting – more 'yes' than 'no' required.
- No casting votes or tie-break votes.
- Objection period: 7 days for Standard Module Regulation

## Committee

### Vote outside of committee meeting (VOCM)

- Votes submitted in writing
- Owners must be notified of decision as soon as possible, but the 7 day rule does not apply.
- A majority of committee members must vote yes for the motion to be carried
  - E.g. if there are 4 committee members, 3 must be in favour of the motion for it to be carried.
- Objection period: 7 days for Standard Module Regulation

## Committee

### Example: actioning safety report

- Committee receives the safety report from Capitol
- Committee reviews the recommendations
  - Committee obtains quotes or instructs Capitol to obtain quotes
- Assess and call either committee meeting, VOCM or general meeting depending on cost of work
- For committee decisions, no action is to be taken until the 7 day objection period has passed
- Supervise works being completed
- Advise Capitol once work is completed and authorise payment of invoice.

# Approvals

Ian D'Arcy  
Director

Capitol  
BODY CORPORATE ADMINISTRATION

## Approvals – lot improvements

### ***Body Corporate and Community Act 1997 (the Act) Section 164 (Standard Module)***

*Improvements to common property by an owner of a lot*

- An owner can make an improvement.
- Depending on type and cost of installation will depend on who has the authority to approve the request.

### Examples of lot improvements

Pergolas



Solar panels



Air conditioning



Awnings



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## Approvals – lot improvements

### Section 164 (Standard Module) states:

1. The body corporate may, if asked by an owner of a lot, authorise the owner to make an improvement to the common property for the benefit of the owner's lot.
2. The improvement must be authorised by ordinary resolution of the body corporate unless—
  - a) the improvement is a minor improvement; and
  - b) the improvement does not detract from the appearance of any lot included in, or common property for, the community titles scheme; and
  - c) the body corporate is satisfied that use and enjoyment of the improvement is not likely to promote a breach of the owner's duties as an occupier.
3. An authorisation may be given under this section on conditions the body corporate considers appropriate.
4. An owner who is given an authority under this section—
  - a) must comply with conditions of the authority; and
  - b) must maintain the improvement made under the authority in good condition, unless excused by the body corporate.

\* **Minor improvement** means an improvement with an installed value of \$3,000 or less. (as per the definition)

## Approvals – lot improvements

### Type of approval

- Committee can consider request if less than \$3,000
- If more than \$3,000 – request is put forward as a motion at a general meeting
- Improvements that do not detract from the appearance is open to interpretation

Capitol would seek direction from the committee.

If committee were satisfied the improvement meets legislative requirements, they would consider your request.

Committee may choose to put request forward as a motion at the next general meeting if they feel the improvement is contentious.

## Approvals – lot improvements

### Informal process

Owner contacts committee and asks that they consider their request to make a lot improvement. The committee then reply via email or letter and if a majority of the committee have approved the lot improvement (generally without conditions) then the owner can proceed with work.

### Formal process

At a committee meeting or via a vote outside of a committee meeting (VOCM) which is a written vote generally with conditions.

*NB: The owner applying for the approval via a VOCM covers the cost of this process.*

Capitol recommends this process so that the body corporate records are accurate and it clarifies who is responsible for maintenance and insurance.

## Approvals – lot improvements

Capitol can assist with preparing motions to ensure conditions are included. For example:

1. The lot owner shall at all times comply with the conditions of this approval as well as the provisions of the body corporate by-laws.
2. The lot owner will obtain all necessary Council and other approvals prior to commencing work. In this regard the lot owner may need to consult with the builder and/or the Council.
3. The improvements are to be carried out in a proper and workmanlike manner.
4. The improvements are in keeping with the rest of the lot owner's property and are in keeping with the standards of the complex generally.
5. All costs associated with the improvements and any Council applications shall be met by the lot owner.
6. The improvements shall be maintained at all times at the lot owner's expense and the lot owner shall be responsible for insurance cover on the improvements.
7. Any damage to the common property or another lot, either now or in the future, as a result of the improvement will be rectified by the lot owner.

## Approvals – lot improvements

### Submitting a request

Include as much information as possible to assist the body corporate in their decision.

If the committee feel they don't have adequate information, they do have the right to request further details from you which delays your request.

Submit an online request via our website [www.capitolbca.com.au](http://www.capitolbca.com.au)

The screenshot shows the 'Owners' section of the website with a navigation menu (Home, About Capitol, Owners, Developers, Events). Below the menu is a banner for 'Owners' with a photo of a modern building. The main content area is titled 'General Improvement Form' and contains several input fields: 'Property Address', 'Body Corp Name', 'Item Seeking Approval', 'Type of Item', 'Size', 'Make', 'Model', 'Installation position', 'Additional Info', and 'Applicant Name'.

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## Approvals – lot improvements



The danger with informal approval with no conditions...

(an owner wants to install an air conditioner with a condenser outside and do a few other minor modifications)

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## Approvals – lot improvements



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## Approvals – lot improvements

### Owner objections

Under the Standard Module (Section 56) there is a seven day period in which an owner can submit a notice of opposition.

The notice must be given to the Secretary within seven days of receiving the copy of the minutes outlining the resolution and the notice must be signed by at least one half of the owners. Therefore no action should be taken on committee resolution until the seven day period has lapsed.

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## Approvals – lot improvements

### Insurance

If the body corporate does not formally approve of the installation then this will likely void any insurance cover that may be applicable on the installation via the building insurance.

- Air conditioning units are specifically excluded on the building insurance, as per the body corporate legislation
- Owners need to check their contents or landlord insurance regarding air conditioning units
- Owner may also be responsible for the insurance premium costs to cover the installation, as per Section 183 (Standard Module)
- However, most insurance policies do have an allowance built in to the policy to cover general improvements by lot owners

## Approvals – lot improvements

- Review body corporate by-laws when considering a request
- Ensure the application does not conflict with the by-laws
- Some by-laws may provide authorisation for owner to carry out improvement within their allocated exclusive area

If that is the case, conditions will generally be noted within the by-law

If not, then the same rules apply as discussed above under Section 164

## Approvals – solar panels



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## Approvals – solar panels

- Committee/body corporate need to make reasonable decisions
- If an application is not approved, an owner could lodge a dispute

**Office of the Commissioner for Body Corporate & Community Management**

Information service phone 1800 060 119

Email [bccm@justice.qld.gov.au](mailto:bccm@justice.qld.gov.au)

Fax (07) 3227 8023

GPO Box 1049, Brisbane Qld 4000

- Committee would then need to state their case

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## Approvals – pets



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## Approvals – pets

- Review body corporate by-laws when considering a request
- Generally, a pet application will need to be considered by the committee
- Provide as much information as possible in your application
- Owner or occupant should cover the cost of the formal application process
- Committee to make reasonable decisions
- If denying a pet request, committee may like to put forward the reason for the decision or request a suitability statement from the owner

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## Approvals – pets

Wise to have conditions:

1. The owner shall at all times comply with the conditions of this approval as well as the provisions of the body corporate by-laws.
2. The dog shall not be permitted to roam free at any time on the common property.
3. That at all times the dog shall be restrained from barking and disturbing the peaceful enjoyment of other residents of the complex.
4. If at any time the dog enters upon common property it shall be properly restrained on a lead by a responsible person capable of handling the dog.
5. Should any fouling occur on the common property by the dog it shall be immediately cleaned by the owner or the dog's minder at the time, and any fouling within the lot or the courtyard to the lot shall be promptly cleaned, and disposed of in the correct manner.
6. The body corporate has the right to reverse its approval should the dog prove to be a nuisance to other residents.
7. This approval may be withdrawn at any time should these conditions not be met.
8. This approval relates specifically to this dog.
9. This approval is transferable to the intending buyer of this lot who submitted this application conditional upon the completion of the sale of the lot to the buyer.

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## Approvals – pets



**No conditions... you may get more than you bargained for!**



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## Approvals – pets

Submit a pet application online.

Go to [www.capitolbca.com.au](http://www.capitolbca.com.au)

**Pet Application Form**

**Property Details**

Property Address:

Body Corp Name:

**Pet Details**

Type of Animal:

Size of Animal:

Age of Animal:

Breed of Animal:

Name of Animal:

Sex of Animal:

Deceased?

Quarant.

Registration

**Applicant Information**

Name:

Phone:

Mobile:

Fax:

Email:

Lot #

**Lot Owner Information**

When lodging your application we recommend that you request the Body Corporate to ensure that you also address any conditions related to the lot.

Please note that Capitol Body Corporate Administration is not qualified to:

- 1. Guarantee that registration of your dog or cat is compliant with the
- 2. Act on the Authority of the Registrar's decision, it will be forwarded to the Body Corporate Committee for their consideration.

If approval is granted by the Body Corporate Committee, it will be subject to any conditions contained through the Body Corporate's by-laws and any conditions imposed by the Committee.

An additional fee applies to the owner who is bound to provide this report.

Notes:

Initial Approval: