

An Evening with The Knight - FAQ.

1. How do you resolve an issue with a neighbour on another floor where you don't have access?

Whilst we've suggested a knock on the door can be effective, in some buildings this is not possible where the resident may reside on another floor.

In these situations, we recommend writing a polite and friendly note and placing it in the letter box of the Lot in question or calling your neighbour using the intercom system.

Remember, keep your tone friendly, as attacking, or rude language at the outset can end up aggravating rather than resolving the issue.

2. What can be done if an Owner has displayed regular and aggressive behaviour, affecting the ability to lease apartments on the same floor?

If an owner occupier is being aggressive and you don't feel comfortable speaking with them in person then the following options should be considered.

- Contact the Police if the aggressive behaviour is of a violent nature.
- Write a note to the person informing them that their behaviour is aggressive and request that they cease.
- Seek support from your fellow Lot owners to approach the person collectively to request that they cease. Whilst an Owners Corporation may determine that it is not their responsibility to get involved you may have success contacting other Lot owners who have experienced the same behaviour as you.

3. What if a disruptive owner is also an Owners Corporation committee member?

An Owners Corporation committee member must act honestly and in good faith as well as exercising due care and diligence in the performance of their functions.

If someone believes a committee member is being disruptive then they may be in breach of their duty.

It's suggested that a person affected write a letter to the Committee advising of the situation or request a meeting with other Committee members to discuss the person's behaviour.

It is to be noted that at every Annual General Meeting a Committee of Management must be elected and a Special General Meeting can be convened to hold a vote to add or remove a member from the Committee.

4. Can an Owners Corporation prevent an apartment being used for short term accommodation?

An Owners Corporation doesn't have the power to restrict apartments being used for short stay accommodation by way of passing a resolution or creating a registered Rule.

Whilst this is the case it is to be noted that some Plans of Subdivision associated with apartment buildings have a restrictive covenant placed on title that restricts apartments being used for short stay accommodation.

In this situation it is understood that an Owners Corporation can take action to enforce the restriction, if required.

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5. How can an Owners Corporation Rule be added or changed?

A special resolution is required to make, amend, or revoke an Owners Corporation Rule. A special resolution is achieved by:

- If a ballot or poll is taken: Lot owners who represent at least 75% of the total Lot entitlements of the Owners Corporation voting in favour.
- In any other case: Lot owners who represent at least 75% of the Owners Corporation's total votes (1 vote per Lot) voting in favour.

A special resolution may also be achieved if an interim special resolution has been passed. An interim special resolution is passed if the vote in favour is at least 50% of an Owners Corporation's total votes and the vote against is not more than 25% of the total votes.

An interim special resolution becomes a special resolution after 29 days if Lot owners representing 25% of an Owners Corporation's total votes don't petition the Owners Corporation Secretary against the resolution.

6. If a dispute is only between two owners or affecting two Lots can the Owners Corporation get involved?

When a dispute only affects two individual parties (i.e. occupiers or owners) and it doesn't relate to common property an Owners Corporation is not obligated to get involved.

An Owners Corporation may choose to get involved however generally they will encourage the parties to a dispute to attempt to reach a resolution themselves.

7. How might social media be used to facilitate a neighbours' group?

The creation of a group on a social media platform (i.e. Facebook group) for owners and occupiers to join can be beneficial in increasing the ability to communicate however there have been numerous occurrences where participants have made personal attacks and the group has had to be closed down.

We therefore suggest that if such a group is to be created that it is sanctioned by the Owners Corporation and someone is appointed as a moderator to approve the content that is posted.

A well-managed group on social media can be used to allow open discussion on building issues, offer support and assistance to fellow residents, coordinate get-togethers and to share items or give away things which are unwanted.

