

# What is Common Property?

**Common Property** is all the areas of land and building not included in any lot. The common property boundaries of each lot are generally formed by:

- the upper surface of the floor
- the under surface of the ceiling
- The physical structures of the internal floors between levels of the building are common property the repair and maintenance is the responsibility of the owners corporation.
- External walls are common property.
- The internal walls between rooms in each lot are not common property unless they are shown by **thick line work** on the floor plan. The repair and maintenance is the responsibility of the respective lot owner.
- Internal garage walls are not common property.
- Any floor or wall separating parts of different strata parcels are common property. This includes front (fire) doors, garage doors and windows and any locks or handles. The repair and maintenance is the responsibility of the owners corporation.
- The boundary of the lot within the bathroom is defined by the upper surface of the tiles affixed to the concrete floor. Where there are no tiles (ie beneath the bath) the boundary is the upper surface of the concrete.
- **The structure of the tiles and concrete floor are common property as are any pipes within the floor their repair and maintenance is the responsibility of the owners corporation.**
- Any water proofing in the shower recess is common property the repair and maintenance is the responsibility of the owners corporation.
- Tiles on a boundary wall are common property their repair and maintenance is the responsibility of the owners corporation.
- Any pipes within these floors are common property, their repair and maintenance is the responsibility of the owners corporation.
- Any pipe, tap or other item (toilet cistern) which is above the upper surface of the bathroom floor or upper surface of any originally affixed tiles is part of the respective lot and is the responsibility of the lot owner.
- Shower screens are the responsibility of the lot owner.
- Kitchen cupboards, bathroom vanity, toilet and shower fittings are not common property
- All the roofing is common property.
- External painting is responsibility of the owners corporation.
- Wiring on external walls is the is responsibility of the owners corporation.
- Wiring on internal walls is the is responsibility of the lot owner.
- Internal painting is the responsibility of the lot owner.
- Internal doors are the responsibility of the lot owner.
- Power points are the responsibility of the lot owner.
- If the power point is attached to the outside of the wall that is common property the responsibility is that of the Owners Corporation.
- If the bathroom pipes are inside the lot they become the lot owners responsibility.
- **The repair and maintenance of common property is the responsibility of the Owners Corporation.**

## **STRATA SCHEMES MANAGEMENT ACT 1996 - SECT 62**

### **62 What are the duties of an Owners Corporation to maintain and repair property?**

(1) An owners corporation must properly maintain and keep in a state of good and serviceable repair the common property and any personal property vested in the owners corporation.

(2) An owners corporation must renew or replace any fixtures or fittings comprised in the common property and any personal property vested in the owners corporation.

(3) This clause does not apply to a particular item of property if the owners corporation determines by special resolution that:

- (a) it is inappropriate to maintain, renew, replace or repair the property, and
- (b) its decision will not affect the safety of any building, structure or common property in the strata scheme or detract from the appearance of any property in the strata scheme.

For your information; issues of maintenance and repair are covered by the Strata Scheme Management Act 1996 which is administered by The Office of Fair Trading. Any further inquiries in this matter may be directed to them at the following address:

Fair Trading Information Centre  
PO Box 972  
Parramatta NSW 2124  
Phone 13 32 20

Should you require further information regarding this matter please contact John Arthur - Manager Strata Plan Section on 9228 6832