



## THE OWNERS - UNITS PLAN 2413 LANDMARK - BARTON

### APPROVED RULES

*(as at the AGM – 27 September 2017)*

#### 1 Definitions etc

(1) In these rules:

**Executive Committee representative** means a person authorised in writing by the Executive Committee under Rule 11(4).

**Owner, occupier or user**, of a unit, includes an invitee or licensee of an owner, occupier or user of a unit.

(2) A word or expression in the *Unit Titles (Management) Act 2011* and the *Unit Titles (Management) Regulation 2011* has the same meaning in these rules.

#### 2 Payment of rates and taxes by unit owners

A unit owner must pay:

- (1) All rates, taxes and Owners Corporation levies payable for the unit.
- (2) Any amount payable to the Owners Corporation outstanding after the due date – to be charged interest at the rate of 18 per cent per annum.
- (3) Any cost of debt recovery incurred by the Owners Corporation to recover any outstanding levies or other charges including interest.
- (4) Any penalties charged in accordance with the Owners Corporation Rules and House Rules.

#### 3 Repairs and maintenance

- (1) A unit owner must ensure that the unit is in a state of good repair.
- (2) A unit owner must carry out any work in relation to the unit, and do anything else in relation to the unit, that is required by any territory law.

#### **4 Erections and alterations**

- (1) A unit owner may erect or alter any structure in or on the unit or the common property only:
  - (a) in accordance with the express permission of the Executive Committee; and
  - (b) in accordance with the Landmark Apartments Modifications and Additions Policy
- (2) The Modifications and Additions Policy is maintained by the Executive Committee and may be updated periodically. The current version is available from the Building Manager. This policy is designed to maintain the aesthetic and structural integrity of Landmark and to facilitate residents' peaceful enjoyment of their property.

#### **5 Use of common property**

- (1) A unit owner must not use the common property, or permit it to be used, to interfere unreasonably with the use and enjoyment of the common property or individual units by an owner, occupier or user of another unit.
- (2) The cost for repairs for damage to common property where rules have not been followed will be billed by the Owners Corporation to the owner of that resident's unit.
- (3) Subject to Rule 4 common property may be used for the purposes of:
  - (a) Modifications such as skylights.
  - (b) Components of air conditioners.
  - (c) Electrical wiring and plumbing associated with individual units.

#### **6 Hazardous use of unit**

- (1) A unit owner must not use the unit, or permit it to be used, so as to cause a hazard to an owner, occupier or user of another unit.

#### **7 Use of unit—nuisance or annoyance**

- (1) A unit owner must not use the unit, or permit it to be used, in a way that causes a nuisance or substantial annoyance to an owner, occupier or user of another unit.
- (2) This rule does not apply to a use of a unit if the Executive Committee has given an owner, occupier or user of the unit written permission for that use.
- (3) Permission may be given subject to stated conditions.
- (4) Permission may be withdrawn by special resolution of the Owners Corporation.

## **8 Noise**

- (1) A unit owner must not make, or permit to be made, such a noise within the unit or common property for which access has been granted as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit.
- (2) This rule does not apply to the making of a noise if the Executive Committee has given the person responsible for making the noise written permission to do so.
- (3) Permission may be given subject to stated conditions.
- (4) Permission may be withdrawn by special resolution of the Owners Corporation.

## **9 Animals**

- (9) The keeping of animals at Landmark shall be governed by the Landmark Pet Policy for The Owners – Units Plan No 2413 as approved at a general meeting of 23 March 2016

## **10 Illegal use of unit**

- (1) A unit owner must not use the unit, or common property, or permit it to be used, to contravene a law in force in the ACT.
- (2) All units are subject to a minimum lease period of 90 days.

## **11 What may an Executive Committee representative do?**

- (1) An Executive Committee representative may do any of the following in relation to a unit at all reasonable times:
  - (a) if the committee has reasonable grounds for suspecting that there is a breach of the *Unit Titles (Management) Act 2011* or the rules in relation to a unit—inspect the unit to investigate the breach;
  - (b) carry out any maintenance required under the Act or these rules;
  - (c) do anything else the owners corporation is required to do under the Act or these rules.
- (2) An Executive Committee representative may enter a unit and remain in the unit for as long as is necessary to do something mentioned in sub rule (1).
- (3) An Executive Committee representative is not authorised to do anything in relation to a unit mentioned in sub rule (1) unless:
  - (a) the Executive Committee or the representative has given the owner, occupier or user of the unit reasonable notice of his or her intention to do the thing; or
  - (b) in an emergency, it is essential that it be done without notice.
- (4) The Executive Committee may give a written authority to a person to represent the corporation under this rule.

## **12 Seal of Owners Corporation**

- (1) For the attaching of the seal of the owners corporation to a document to be effective:
  - (a) the seal must be attached by decision of the Executive Committee; and
  - (b) the seal must be attached in the presence of two (2) executive members; and
  - (c) the executive members witnessing the attaching of the seal must sign the document as witnesses.
  - (d) the seal may be attached to Section 119 Certificates, reduced quorum notices and Land Titles documents by the Managing Agent.

## **13 Signs**

- (1) A unit owner or an agent of a unit owner must not erect a sign, including a real estate for sale or to let/lease sign, on the common property.
- (2) A unit owner may erect a sign inside a window or a glass balcony railing.

## **14 Parking**

- (1) A unit owner must use only the subsidiary car park designated for the relevant unit.
- (2) A unit owner must not use a car space designated "visitor parking".
- (3) A unit owner or invitee must not park on concrete access driveways, landscaped areas or any position where a car may cause obstruction to others.
- (4) A unit owner or invitee must not park in a space marked "disabled" unless the driver has an appropriate sticker.

## **15 Balconies**

- (1) A unit owner must not use a balcony to store articles not normally used on a balcony.
- (2) A unit owner must not drape rugs, mats, sheets, blankets, clothing or other articles over balcony railings.
- (3) A unit owner must not erect a clothes line on or over a balcony.
- (4) A unit owner may use a clothes horse or rack to air laundry on a balcony only in a position where the clothes horse or rack is not clearly visible from the ground or other units.
- (5) Bicycles are to be stored in the designated areas in the garages and not on balconies.

- (6) If a breach of Rules 15(1) to 15(5) occurs, a request in writing from the Managing Agent will be delivered to the occupant asking that the breach be remedied. If more than two similar breaches occur following the delivery of the above-mentioned requests then the Owners Corporation will issue a written notice to the owner of the unit to remedy the breach.
- (7) If the breach is not remedied within the time stated in the notice, the Owners Corporation may remedy the breach itself as per the Act [Clause 109] which may take the form of the application of a financial penalty of up to \$200 for each breach.

## **16 Appointment of Executive Committee**

- (1) The Executive Committee have the option to operate with between five (5) and seven (7) members, depending on the number of nominations received by the due date.
- (2) The members of the Executive Committee shall serve a term of one (1) year following their election or appointment, retiring at the next Annual General Meeting.
- (3) Every year, the Executive Committee members retire from their positions and elections are held for the vacated positions.
- (4) A retiring Executive Committee member is eligible for re-election.
- (5) The election of Executive Committee members shall be by way of ballot.
  - (a) The Secretary of the Executive Committee shall call for nominations no later than twenty-eight (28) days prior to the Annual General Meeting.
  - (b) The call for nominations shall:
    - [i] be in writing;
    - [ii] specify the final date for receipt of nominations;
    - [iii] be forwarded by ordinary mail to all members of the Owners Corporation.
  - (c) Nominations shall be in writing and signed by the nominee and the proposer (who shall be a member of the Owners Corporation).
  - (d) The Secretary shall issue the ballot papers to voting members of the Owners Corporation no later than fourteen (14) days prior to the Annual General Meeting.
  - (e) The ballot paper shall:
    - [i] list the names of the valid nominees;
    - [ii] beside each nominee's name provide a box;
    - [iii] bear an identifying mark of the Secretary.
  - (f) Voting by members of the Owners Corporation shall be by making a mark in the box adjacent to the name of the chosen nominee/s, up to a

maximum of seven (7).

- (g) The ballot paper shall be issued with:
  - [i] an envelope marked "ballot paper";
  - [ii] directions on voting and return of ballot papers;
  - [iii] resume and/or statement of goals of each nominee, to a maximum of one hundred (100) words.
- (h) Only those correctly completed ballot papers received by the Secretary no later than four (4) days prior to the retirement date shall be counted.
- (i) The counting of the marked boxes and the scrutineering of the vote shall be carried out by two (2) persons independent of the Executive Committee, the Owners Corporation and/or the nominees.
- (j) The nominees with the highest number of the marked boxes are elected to the Executive Committee.
- (k) The result of the election is announced at the Annual General Meeting.
- (l) The elected members of the Executive Committee take their office immediately after the retirements.
- (6) If at any call for nominations for the Executive Committee, insufficient nominations are received to conduct an election, then:
  - (a) a ballot will not be conducted;
  - (b) those who nominated in accordance with these Rules will be deemed elected at the Annual General Meeting;
  - (c) nominations for remaining places shall be accepted from the floor at the Annual General Meeting.
- (7) The Executive Committee shall have power at any time and from time to time to appoint any financial member to fill a casual vacancy. Any member so appointed shall hold office until the next Annual General Meeting.
- (8) The Executive Committee shall elect from members of the Executive Committee a Chairman, Secretary and Treasurer.

## **17 Air conditioners**

- (1) Air conditioners are owned by the individual unit.
- (2) Heat exchangers/compressors may be located on common property, and Rule 5 "Use of common property" shall apply.
- (3) All modifications of air conditioners will need to comply with Rule 4 "Erections and alterations".

## **18 Vergolas**

- (1) Vergolas are owned by the individual unit. This rule transfers maintenance obligations for a unit's Vergolas to the unit owner.
- (2) Any modification of Vergolas must comply with Rule 4 "Erections and alterations".
- (3) Vergolas must be maintained in good order, maintaining the integrity of the building

## **19 Electrical Infrastructure**

- (1) Electrical infrastructure in a unit is defined as all electrical devices and connections which receive power through the fuse box in the unit. This includes ovens, ceiling lights and any transformers whether they are located in the ceiling or elsewhere.
- (2) Such electrical infrastructure is owned by the individual unit. This rule transfers maintenance obligations for a unit's electrical infrastructure to the unit owner.
- (3) Any modification to this infrastructure must comply with Rule 4 "Erections and alterations".
- (4) To avoid fires electrical infrastructure should be maintained in good condition.

## **20 Removalists and moves in/out**

- (1) An owner or occupier or any authorised user shall not move in or out of a unit through or over common property within the building unless:
  - (a) notice of two (2) clear working days has first been given to the Building Manager so as to enable the Building Manager to arrange to be present at the time when the owner or occupier or any authorised user commences the move in or out.
  - (b) a condition report on the common property area being used is signed off by the owner or occupier or any authorised user and the Building Manager.
- (2) Movements as detailed in clause 18(1) will be restricted to take place Monday to Friday only (excluding public holidays), and will commence no earlier than 8:30 am and be completed no later than 5:00pm.

## **21 House rules**

- (1) The House Rules is a policy document maintained by the Executive Committee and may be updated periodically. The current version is available from the Managing Agent. This policy is designed for the benefit of the residents and to ensure that all enjoy a maximum of convenience, comfort and privacy. These rules are intended to keep annoyance to a minimum and to provide guidelines for residents and their guests. They are to be included as an integral part of any leasing arrangement between a unit proprietor and the tenant.
- (2) No House Rule will contradict the Unit Titles (Management) Act or the Rules of The Owners – Units Plan 2413.

## **22 Communication with Owners**

- (1) The EC needs to communicate with owners from time to time. Unless other arrangements have been made, all communication will be via email.
- (2) It is each owner's responsibility to ensure an accurate email address is lodged with the managing agent.
- (3) Failure to receive an email will be treated the same way as not receiving postal correspondence and not normally grounds for appealing decisions made by an AGM, GM or EC.

## **23 Smoking**

- (1) The owner or occupier of a unit must not:
  - a. Smoke any substance on any area of common property; or
  - b. Smoke any substance in a lot so as to allow smoke from such substance to enter the common property or another lot; or
  - c. Drop, throw, place or leave any refuse from smoking, including without limitation any butt or match, on the common property
- (2) The owner or occupier of a lot must take all reasonable steps to ensure that invitees, guests and/or visitors of the owner or occupier comply with the obligations under clause 1 of this by-law.
- (3) The owner of a lot must take all reasonable steps to ensure that the occupier of their lot complies with the terms of this by-law
- (4) Any breach of the above constitutes a nuisance/annoyance to other residents and will be addressed under Rule 7 "Use of unit-nuisance or annoyance"



- (5) From January 1 2016 the following clause is to be included in tenancy agreements & signed by the tenant(s).

"I/we agree not to smoke (or allow visitors or guests to do so) in any unit(s) or on common property of the Landmark complex."

## **24 Motor Vehicles and Parking**

- (1) No car spaces are to be rented on a commercial basis separately from a unit. That is no car spaces may be used by persons who are not an owner, occupier or tenant of Landmark or a visitor of an owner, occupier or tenant of Landmark.

## **25 Insurance Excess**

- (1) Any excess payable on an owners' corporation insurance claim shall be recoverable from the owner of the unit to which the claim is related, unless the executive committee determines otherwise. If the claim is as a result of a failing of the common property, the owners' corporation shall be liable for the excess.

## **26 Fire Doors**

- (1) The Owners' Corporation is responsible for the mandatory testing of all fire doors at the property. Any defects found are the responsibility of the unit owner to rectify to ensure that their door meets Australian Standards.
- (2) Modifications to unit front doors are subject to Rule 4. Prior to the executive committee considering any application to fire doors, a report must be obtained from the owners' corporation's contracted fire services provider stating that the proposed modification will not affect the door's compliance with the relevant Australian Standard.

## **27 Use of common areas and safety**

- (1) For amenity, safety, regulatory and public liability reasons, residents must not use common property areas such as corridors, stairwells and fire cupboards to store their personal possessions.
- (2) Doormats are a safety hazard and should not be left in common area corridors.
- (3) Objects should not be thrown or dropped from balconies.

- (4) Pot plant soil and other materials, dead plant matter and food scraps must not be dropped or placed into any garden beds on the property. Dispose of these items in the garbage chutes or bins (see House Rule 10).
- (5) Cigarette butts should be placed in appropriate containers, not dropped onto lower balconies or garden areas.
- (6) Only portable carpet-cleaning machines may be used at the complex. When carpet cleaning contractors are engaged by residents it must be stipulated that vehicle-mounted carpet-cleaning units are not permitted on the property.
- (7) Entrance doors to buildings, fire doors and lift doors must not be obstructed in any way.
- (8) Skateboards are not to be ridden on the common property of Landmark.
- (9) Bicycles may only be ridden on the driveways and service road and the paths leading to them. Children on bicycles must be supervised by an adult at all times.
- (10) In the interest of safety, children are not permitted to play games on the common property driveways or in basements.