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**BANNERMANS COVID-19 LEGAL FAQ'S:  
STRATA SOLUTIONS & TOOL KIT**

The rapid changes to strata management under COVID-19 have left owners corporations and strata managers alike with many operational questions.

To assist you to navigate this challenging time, we have prepared some answers, solutions and tools to assist with **FREQUENTLY ASKED QUESTIONS** arising from Covid-19 in respect of the following areas:

- Meetings & Processes
- Finances
- Maintenance & Safety
- Dispute Resolution

Those FAQ's marked in orange have been modified by the introduction of the *Strata Schemes Management Amendment (Covid-19) Regulation (No 2) 2021* and the *Community Land Management Amendment (Covid-19) Regulation (No 2) 2021* which came into effect on 21 July 2021.

**MEETINGS & PROCESSES**

Covid-19 has had significant impacts on the ability of owners corporations to conduct their affairs as they have historically done, including how they run meetings, arrange inspections of their books and records and even execute documents. The below FAQ items provide some solutions for addressing these issues.

**UPDATED FOR 21 JULY 2021**

1. How can we avoid holding a meeting in person? >

**UPDATED FOR 21 JULY 2021**

2. How can an owners corporation execute documents with the current restrictions on the ability of people to interact? >

3. If we move to an isolation situation, are we legally obligated to send them a full copy of the client files electronically, and if it is a competitor doing the inspection, how do we protect our clients information, and our own "company" information? >

4. How can I lodge documents with LRS, such as by-laws or subdivisions over this time? >

5. Have the Recent Government Changes made it easier to restrict short-term letting in our Strata Scheme? >

6. If the meeting is by electronic attendance - what address do we use to insert in the notice? >

7. Has the Government implemented any steps to assist company title schemes? >

8. If my owners corporation holds a meeting wholly by pre-meeting electronic voting, how are the votes counted - do you use show of hands (1 lot - 1 vote) or unit entitlements to calculate the vote? >

9. Can a poll vote be called on a meeting done wholly by pre-meeting electronic voting? >

**UPDATED FOR 21 JULY 2021**

10. What is being done for Community Associations? >

11. Are we allowed by legislation to use an electronic common seal rather than the old fashioned rubber stamps? >

12. Can a pre vote meeting still be held which includes a vote for selection of a Strata manager when votes are emailed to the current manager and they are also up for selection? >



**FINANCES**

Covid-19 has contributed to job losses and reductions in hours across a large number of industries, which have affected the ability of owners corporations to pay levies. In order to accommodate the financial position of owners, it may be necessary to revisit budgets to reduce expenditure where permissible under the Strata Schemes Management Act 2015. The below FAQ items provide some solutions for addressing these issues.

1. Can a strata committee resolve to waive interest on overdue levies? >

2. Many rental agents are going to have difficulty collecting rents if we end up with widespread business closures, particularly as many tenants are casual workers. This will affect levies – how should this be dealt with? >

3. Can levies continue as per the previous budget if an AGM is not held? >

4. If owners corporations are requesting upcoming quarterly levies be cancelled due to financial hardship. Where do we stand and what advice do they have? If instructed to do so, can we cancel levies? >

5. My owners corporation is low on money in its Administrative Fund. Can we use the money from the Capital Works Funds to meet administrative fund expenses? >

6. Under the *Community Land Management Act 1989* can an association resolve to repeal levies given Covid and the difficulties some members have making payments? >

**MAINTENANCE & SAFETY**

Owners Corporations still have strict obligations under the Strata Schemes Management Act 2015, particularly in relation to the repair and maintenance of common property. The following FAQs will assist owners in complying with their duties safely and effectively.

1. Can we limit the number of people in a lift at a given time? How would this be done? >

2. Can the owners corporation continue to have the common property cleaned and gardens maintained? >

3. What level of cleaning of the common property should an owners corporation arrange to address COVID-19? >

4. Can an owners corporation have construction work undertaken at the scheme? >

5. What are the potential consequences of not complying with the direction under the Biosecurity Act? >

6. Will remedial works agreements and orders need to be amended with COVID-19 provisions? >

7. Some owners do not want anyone coming in their unit including fire inspectors. How should this be dealt with? Has council indicated how they will treat this? >

8. What is the best way of dealing with contractors entering units to carry out work? >

9. What should an owners corporation do if a resident is confirmed as being infected with COVID-19? >

10. We are in the middle of upgrading our building and pool area, should we continue with that? >

11. Is the Owners Corporation required to close off the pool or gym in my complex? >

**DISPUTE RESOLUTION**

The restrictions on physical attendance have changed the way that litigation is commenced and progressed, however all of the courts and tribunals remain open and functioning. The below FAQs address common queries in relation to commencing and progressing litigation in the current climate.

1. Are Court hearings still proceeding? >

2. Can owners corporations still commence proceedings for things such as breach of by-laws or damage to common property? >

3. What can an owners corporation do if defect inspections/reports are postponed during lockdown and warranty expires due to this? >



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