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YSP Podcast Transcript: Episode 241. Strata surprises, successful renovations and regretful records: my chat with Veronica Morgan

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Intro: Welcome to Your Strata Property, the podcast for property owners, looking for reliable, accurate, and bite-sized information from an experienced and authoritative source. To access previous episodes and useful strata tips. Go to www.yourstrataproperty.com.au.

Amanda Farmer: Hello and welcome to this week's podcast episode. I am your Host, Amanda Farmer, and I am so pleased to be here with you this week. We had a huge week last week over at the By Law Boot Camp. It was wonderful to see so many of you tuning in for Boot Camp. We also opened up the membership doors and I have been super busy welcoming lots of new members into our community. This week, I am bringing you the edited version of a recent chat that I had with Veronica Morgan over on her podcast. It's called The Elephant in The Room. If you haven't checked it out yet, it is definitely worth adding to your property podcast list.

Veronica is a Real Estate Agent, Buyer's Agent, and the Co-host of Foxtel's Location Location Location Australia. She is also a previous guest here on this podcast. Check out Episodes 55 and 115 for my previous chats with Veronica. Veronica Co-hosts The Elephant in The Room property podcast with Chris Bates. Chris is a Financial Planner, a Mortgage Broker, and a Wealth Coach. Their podcast asks the question, "What is really going on in the world of real estate?" They are fascinated by consumer behaviour when it comes to buying property and they have set out to uncover who's really making the decisions when you buy a property? Is it you, or is it that elephant that's steering you, which you may not be aware of?

Veronica and Chris have very kindly allowed me to bring this shortened version of our recent chat over here to our podcast. Veronica and I kick things off by talking about the recent pets in strata drama that we have had here in New South Wales. We did talk about the Cooper Case. We have been talking about that issue quite a bit here on the Your Strata Property podcast.

So I am bringing you the second half of our chat, where Veronica and I started talking about the shock that some people get when they first buy into strata, may not be all that we expect. We talked about the process of carrying out renovation works in a building, the difficulty with inspecting strata books and records and being able to access what it is we are entitled to access and so much more. If you want to catch the full episode, you can find that over on theelephantintheroom.com.au, I will put a direct link to the full episode in the show notes here and do go ahead and check out all that Veronica and Chris have to offer there on their property podcast. It's helping us all make better property decisions. I'll take you straight over now to my edited chat with Veronica Morgan.

Veronica Morgan: I laughed because I guess what we are skirting around the edges of here is the old saying the law's an ass. That idea that you've got this system where you have a law passed, a new legislation passed in 2016 and then you have to have human beings basically entered into conflict with each other in order to actually test that law, to make sure there are holes in that law, so that then there's clear judgments or clear rules that people know to abide to. And so now we've had it, what, 4 years later, but even then, it's still more, it's like, obviously there's a, you got into a good area of business there, Amanda, where there is going to be no shortage of advice required, I would think.

Amanda Farmer: Yes, look, it's always busy and in many different respects and there is now, the time we're recording this, there is some draft legislation before New South Wales Parliament proposing to amend our 2015 Strata Schemes Management Act to include a provision that by-laws cannot purport to unreasonably restrict the keeping of animals.

And that's something that has been, an amendment that's being put forward by the Animal Justice party off the back of Jo's case. And I know there's a lot of people supporting that kind of amendment. Others are saying that it's too little too soon. We need a wholesale review of the Strata Schemes Management Act. And not just this small amendment about pets, but even the Court of Appeal has said that much of the language in these sections of the legislation we're talking about is awkward. For a court to make that criticism, they're really sending a message that we need to do some work here. There's a lot of time, a lot of money being spent by owners in conflict about these issues. And when that happens, it tells us there's something not right about the legislation.

Veronica Morgan: Well, yes. Look, when did you start the podcast?

Amanda Farmer: The podcast started in 2016.

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Veronica Morgan: Right. So, and that's Your Strata Property for anyone who hasn't listened to it, I highly recommend you do, particularly if you own or live in strata or considering owning a strata. And I actually put the link in the show notes to your interview with Jo Cooper herself and her lawyer. But I remember listening to your podcast in the early days. That's why I thought, I just want to double check that it was back then, because what struck me is the amount of times you referred to interpretation, my interpretation as if its tested I'm putting words in your mouth there, but at the time listening to that thinking, *"Oh my God, what a nightmare, this is meant to clarify things and yet clearly hasn't,"* which is, this is a property podcast.

We talked about the elephant in the room, things that people don't talk about. But one of the things about strata is that I just, my understanding is talking to a lot of people, there's a massive misunderstanding about how to live in strata and what it means. And it is really the fourth layer of government, right? So therefore understanding what you can and can't do is pretty critical to making sure that you actually enjoy your life in a strata building.

Amanda Farmer: Yes. And a lot of people go in feeling like they do understand what they can and can't do and feel like they know they have to pay levies and they know they need permission before they renovate. And they know that they can keep an animal or can't keep an animal. And then suddenly there's these cases. And then what does that mean for the by-laws and what I can and can't do. And this is the part that from a lawyers perspective, I'm fascinated by, and I love this area of the law, for that reason that it is ever challenging, ever changing.

We're dealing with people's lives, different ways of living, different community expectations, cultural expectations. And we see that filter through in the law. But I understand completely how frustrating that is for owners, for residents. I'm a resident in strata myself. So when we have cases like this, that completely turn the law around and say where we could have bans, we can no longer have bans. And it starts to raise questions then about, *"Well, can we ban short-term letting? Can my building tell me that I can't have hard floors?"* Because there's a lot of buildings that do that. Is that unconscionable or oppressive? Can we ban smoking? There's a lot of buildings who want to ban smoking. So it just, a decision like this just opens up all of that uncertainty and yes, it isn't an unusual, very unusual part of the property law world, for sure.

Veronica Morgan: Well, it is. And this is some of the things that I'm glad you raised them there because these are some of the things I want to talk about, that you have to have controls in place because you are all living together communally. You might have your own space, but for instance, smoking is a good one. You smoke on your balcony because you don't want to pollute your own apartment. And yet then you end up polluting the people around you, impacting on the people around you. If you have a pet that barks when you're not there, you don't even know it barks. Your neighbour starts going stir crazy. You talk about a lot of these issues.

My girlfriend, she's on the strata committee and it has been the parking and the residents' parking and visitor's pass, so all of those typical things that people complain about. And they probably think, *"Oh, dragging on the strata committee,"* but the reality is there are rules for raising that, to facilitate a whole bunch of people living together in the same sort of area. Right?

Amanda Farmer: Yes.

Veronica Morgan: How do you, to those who... that want to preserve, I guess the high standards, because let's face it. Some people are really crappy with their garbage or some people are really crappy with their animals. Some people are really disrespectful of other people. How can you preserve that without being termed harsh, unconscionable, unreasonable?

Amanda Farmer: Yes. I think you have to be constantly asking yourself the question. When we're talking about by-laws in particular and we can go a bit broader, but by-laws in particular, what I say to my clients is *"What job is this by-law doing?"* Okay? It's really important as a committee, when we're thinking about drawing up by-laws or changing by-laws that we ask ourselves, *"What job is this by-law doing? And does this by-law have the job of improving life for residents who are living here, all residents? Does it have the job of increasing or maintaining the value of our investments?"* So we're talking about by-laws that regulate what we can and can't do with our property when it comes to renovations. *"Is it a by-law that is improving or preserving the way of life or the value of your investment for all owners?"* And I think if you can answer yes to that, then your by-law is going to be on pretty safe

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If you're asking the question, "What job is this by-law doing?" And you're saying, "Well, it's making the job of the committee easier because it means we don't have to exercise our discretion and make a decision and it is catering to the lowest common denominator," then I think you are going to have a problem with your by-law and that's where blanket bans have fallen down. But speaking more generally, I've always said the number one thing that I think dramatically improves apartment living is to have a very good strata committee. So these are the volunteers, the small group of owners, they usually are, who deal with the day-to-day management of your building. I see a lot of great buildings. I see a lot of very dysfunctional communities and in the dysfunctional communities, making bad decisions, whether that's about by-laws or anything else, they have a committee that is internally in conflict.

There are factions within the committee. Some people want one thing for the building, some want others, the dysfunctional communities don't take the advice of their Strata Manager or even their Strata Lawyer sometimes. And the ones that function really well, they are intelligent people with life experience, committed to improving the community or the value of their investment if they don't live there themselves. And they're just the hard workers, the champions for the cause, whatever that may be in a building from time to time. And those are the communities that are really thriving. And if you're looking to buy in to a good community, have a look at how the strata committee is functioning.

Veronica Morgan: It's so true. And you and I've had conversations around this. So back in Episode 25, you first joined us. And we did talk about that. And trying to find evidence of that is always a challenge because of course, strata reports, which is what most people get before they buy into a strata building, there's no real standard that applies to how those things are put together or what they report on. And you've said many times, go and talk to the neighbours. That's a great idea. And also read the email correspondence. I have to say, even though I asked for it, you just don't get it. You just don't get it. It sort of slips in by accident if it ever gets into a report, but what's so interesting, I find, and you talked about the Science of a dysfunctional strata committee and I think they're really good things to pick up on reflection.

Certainly not taking advice but then there's buildings where there's complete and utter disinterest in the building. And I recently read a report for instance, where they just got some, the Strata Manager's pretty much left to run all the meetings. She's pretty much, there was a committee, but they don't turn up most of the time, they don't do proxies, I don't, but they just leave her to run the place without much guidance. I very much doubt they're paying her enough to do that properly because strata levy, the actual fees that these strata majors charge, they're not massive, are they?

Amanda Farmer: They are nowhere near high enough for the importance of that job. That's for sure.

Veronica Morgan: Yes. So, and therefore the strata committee needs to actually do work because the Strata Manager literally isn't paid enough, but it does make the question, doesn't it, as to how do you really work out how a building is well run or not?

Amanda Farmer: Yes. And look, there's all different types of buildings, all shapes and sizes. We can talk about a 4 storey red brick walk up where we have maybe mostly investor owners and we're near the university and people come and go, there's not too much going on. There's no lift, there's no gym or swimming pool. We just have some outdoor parking area. And that's about it. That may be your old fashioned style of strata management. You might have someone who's fairly hands-off. You might have an AGM each year because you need to strike levies according to the law and you need to approve the financial statement, but otherwise there's not too much going on. And then you have your brand new building that might be 200 plus lots. You might have a commercial mixed with a residential. You then have a building management committee.

You have shared facilities between the commercial and residential. You have building defects, you still have an original builder and developer to negotiate with. You have maintenance contracts. You have a Building Manager, a caretaker, you're dealing with a new set of by-laws put in place by the developer with certain people have been given rights over the common property and others haven't. These can be incredibly complex schemes and you need a Strata Manager who is experienced in managing those kinds of schemes. So I think understanding what you're buying into and why, "Am I going to live there or is it an investment? Am I buying in the 4 storey red brick walk-up because I just want to put a student in there, close to the uni and take my returns?" He might not be too concerned about what the community is like and the Strata Manager, but a building at the other end of the scale, I think you need to be very concerned and understand what's going on, who the players are and why they should be the most experienced.

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Veronica Morgan: That's it, and it's so complicated. And I would also argue the red 3 or 4 storey walk up, red brick walk up, you do need to be worried about community there because that's actually sort of good for resale, but certainly there are a lot of investors sort of, they want the hands-off, they want the low strata levies and that come with that. Recently there's been a requirement for buildings to consolidate their by-laws, right?

Amanda Farmer: Yes. So when our new legislation started, as you said, Veronica, that was in 2016, there was a requirement to conduct a review of your by-laws within 12 months of the legislation starting and immediately, there was a requirement to keep a consolidated up-to-date copy of the by-laws on the records.

Veronica Morgan: Which interestingly enough, I still come across buildings that haven't done that. You must be too. And then some others where they've actually gone and got a slightly, bought a consolidated pack of by-laws off the shelf.

Amanda Farmer: Yes. We do have the model by-laws in our legislation, which is often what developers will register strata plans with when they constructed. And then they're selling off the plan. And we got a new set of model by-laws when our new legislation started. And I saw that too, a number of buildings just adopting the new model by-laws, not really thinking about whether they're suited to their community or not, or whether they might've needed anything extra in addition to the model to deal with their specific situation. It's something that Strata Lawyers do a lot of, by-law reviews, drafting of by-laws. Some buildings don't want to spend the money on having that process done bespoke for them. So just grab the template in the legislation and hope for the best. Of course, penny-wise, pound-foolish. You then end up with the litigation down the track challenging the by-laws and it can be a situation that could have been avoided if you had some specific advice earlier on.

Veronica Morgan: So if we come back to the Cooper Case, I mean, that was Horizon. So for any listener that doesn't sort of know what that building is. It's sort of somewhat famous because Harry Seidler designed it. And some people say that it should never have been approved because it's very, very tall and exceedingly tall compared to the neighbouring buildings. And this is in Darlinghurst and it has mostly floors would have incredible views, there's also pretty amazing harbor views. I think the penthouse recently sold for 16 million or something.

So, a lot of people in that building probably have a lot of money behind them, right? So you're in a building that you would like to think has a potential to have a good, healthy capital works fund forecast can afford to run the litigation, but that wouldn't always be the case, would it? And also, I don't know Jo's individual circumstances, but I hope she was bankrolled by a bunch of other people that wanted to get their pets approved too. She didn't have to really pay for it all herself, but litigation is expensive, right?

So if you've got some budget by-laws that open up the building's opportunity, I guess, to be challenged, or if you're in a building, you live in a building where you've got a lot of very, probably a lot of Judges and Lawyers and all the rest of it, living in Horizons too, for them... You'd be unmatched because of that.

Amanda Farmer: Yes. It's a complaint that I hear a lot from owners who might want to challenge the position of their billing, whether that's in relation to pets or maybe a renovation that they want to do that hasn't been approved. There's always avenues for challenging decisions that our buildings may or may not make about what particular owners want to do. But owners will say to me, "Amanda, I can come to you and you can tell me," I can try it off to the Tribunal and challenge the validity of the bylaw or say that the decision to reject my renovation was unreasonable and seek an order.

But that's going to cost me upwards of about 20 grand to run that case from start to finish with a specialist Strata Lawyer. That is a significant expense for me, a single owner and the owners corporation, the building, is going to engage their own Lawyer. If they are defending my proceedings, they may even be covered by insurance because buildings have legal defense insurance policies. So the insurance might even pay their Lawyer for defending the application. And if they're paying it themselves well, their cost is spread across 20 plus, 50 maybe owners. And it's just a few dollars out of everybody else's pocket a month. It's nothing to them and they will keep going. And I will be the one who's forced to settle or to withdraw. So you know what, it's not even worth it. I'm not even going to go there. So yes, I definitely hear that about that mismatch of financial situations and a perceived mismatch of power

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Veronica Morgan: Which is something that when I started this conversation, I hadn't really thought of, but as often happens, when we're having chats for The Elephant in The Room, we uncover the big elephants, but also on the renovation side of things, let's have a big talk about, because it's on topic. I mean, you have to get by-law registered whenever or a special by-law, right? Whenever you want to get renovations approved on your lot.

Amanda Farmer: Yes. Depends on the extent of your renovation work, but major renovations affecting waterproofing, structural alterations or affecting the external appearance of the property will need a by-law.

Veronica Morgan: Yes. And some I've read, obviously they're going to change floor coverings. You mentioned that before. I mean, a lot of buildings will actually say no timber floor coverings, even if they are battened. So you've got to look to noise transference and I think too, we've got to be considerate when we live in strata anyway, regardless.

So what does somebody do if they bought in a property thinking, well, it's run down. These are new kitchen and bathroom for argument's sake and maybe I can knock that wall out and I put it up and these are all the things that I get clients and buyers saying to me all the time, "You could do this, you could move the bathroom, or you could do this. You can do that." I think to myself, "Well, it's not that easy in a strata building." You've got plumbing stacks, you've got services that you've got to consider. And you've got all, there's a lot more to take into account. Have you heard of any situations or what are the, I guess, pitfalls and things to be aware of for somebody who is buying thinking they're going to just get a renovation approved?

Amanda Farmer: Yes, I think definitely if you haven't bought yet and you're looking for that property that you can do up once you're in there, I would be looking at properties where renovations have been done before in the same building. And you can pinpoint an apartment or two in the building where they've done exactly what you want to do. So if you want to combine the laundry and the main bathroom to make a large bathroom or change the laundry into an en suite, for example, that kind of thing that's not just fixtures and fittings and brightening up the kitchen or the bathroom. Then if somebody else in the building has done it, then that's a very good reason for the owners corporation not to unreasonably refuse consent to your own renovation. So in New South Wales, that's the test, is the owners corporation unreasonably refusing to approve your renovation?

If they are, then the Tribunal can order that your renovation goes ahead. And the interesting thing to note about that is we started the conversation talking about pets and by-laws and not being harsh, unconscionable or oppressive, and I've said that's a much higher threshold than this consent of unreasonableness. So I actually think it's much easier to get a renovation approved because all you have to do is say that the owners corporation is being unreasonable. That's much easier than getting a pet ban or was until this case, a pet ban, or another by-law that you might say is harsh, getting that overturned. That's a harder job, but definitely buying into a building where you can see the work has already been done is a really good idea. That's what I would be looking for, thinking about the impacts that you're going to have, what other people in the building have done and been allowed to do and what protections you're giving the owners corporation.

So are you giving them a complete indemnity should anything untoward arise out of your renovation? That's why we have the by-law and we have clauses in there that give the owners corporation all the protections they could possibly want. Because they're doing us a favor giving us permission, so we're going to make sure that we look after them too.

Veronica Morgan: It's a myriad, the idea of people buying into strata and just assuming that they can do things that they subsequently find that they can't or not without actually signing over a lot of rights or maybe not a lot of rights, but certainly committing to a lot of responsibility if it doesn't, is done well, is something that a lot of people don't understand, which sort of leads us well into the idea of our Dumbo of the week. So do you have a Dumbo example for us?

Amanda Farmer: Oh gosh, I have a couple. I've been debating in my mind which to bring to you this week. Why don't I bring you both? Because one arises from a meeting that I had earlier in the week. And I think it's an important one to talk about. But first of all, from the pet perspective, I think at the moment, the Dumbo of the week has to be the building that is saying, "We have a blanket pet ban, but we're still going to enforce it because we don't care, we're a no pets building. We've always been a no pets building. That's what our owners want. Court of Appeal can say what they like, but we're going to enforce it and let the owner who wants a dog take us to the Tribunal."

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That's a dumb thing to do because what's going to happen when you get before the Tribunal as I said earlier, the tribunal is going to say, "We have a Court of Appeal decision here. I'm bound by precedent to follow that decision. And this blanket ban is going to be overruled." And you may have to pay the owner's legal costs of bringing a case that they never should have had to bring.

Veronica Morgan: Before you get onto the second Dumbo, that is interesting because the thing is until there's a high court ruling like this there's discretion, is that fair?

Amanda Farmer: The by-law is in-

Veronica Morgan: Or interpretation?

Amanda Farmer: The by-law is there. The by-law is in place. The by-law doesn't have to be enforced. So if you say from the discretion angle, I would be saying, there is no law that requires a building to enforce its by-laws. And the committee should, being aware of this case, use its discretion and not enforce the by-law against an owner who may bring a dog onto the common property or onto their lot. What the committee should do is get together and start talking about how they're going to amend their by-law to reflect what the Court of Appeal has said. You're right that until we have legislative change, our legislation doesn't say that you can't have blanket bans, but our legislation says you can't have harsh, unconscionable or oppressive by-laws. And the court says the blanket bans on pets are harsh, unconscionable, oppressive.

So there's a few steps to think through there, but you end up in the same place, which is you'll eventually have the Tribunal or Court saying your by-law's invalid. So if you've got a lawyer telling you that, then there's no point going [crosstalk 00:27:40].

Veronica Morgan: It just makes me... Not laugh, but it makes me wonder what's the purpose in a way of lower courts, if you just keep taking it right up to the top, until you get the answer that are either A) you want or B) there's no other courses for an appeal.

Amanda Farmer: Yes. Well, we have a hierarchy of course to try and keep business streamlined, not overwhelmed. I would love to. I love that idea. I would love to go straight to the 3 judges on the Court of Appeal, smartest people in the country and the legal system to make a decision about my renovation or about my, whatever my strata dispute is. That would be wonderful.

But unfortunately, that's not how it works. The system is such that the evidence is put before a lower court that has theoretically the facilities and the time to hear from witnesses, to look at what the facts are, to decide what the facts are. To read everything, to talk to witnesses, ask them questions. That's what our Tribunal is set up for. And it's supposed to be more consumer friendly to allow that process to happen without lawyers, if that's what the parties want. And then there are high levels of the court are more focused on the legal questions. So when we do appeal a decision, usually you can only appeal on a question of law. So you can only appeal because you're saying the Tribunal member who decided this case got the law wrong. It wasn't that they misunderstood part of the facts or that they didn't like a particular witness. They actually got the law wrong. And then our higher levels, our higher level courts decide what they say the law means, what they think it's supposed to mean and make a decision about the law. Not necessarily about the facts.

Veronica Morgan: It's a minefield. Now what's your second Dumbo?

Amanda Farmer: Oh, my second Dumbo is quite separate from animals and by-laws, but we did touch on it a little bit earlier. Strata records inspections. I attended the office of a Strata Manager just last week and I was doing a records inspection for a client. And I always send a lead up setting out that I'm coming, what I'd like to inspect who I'm acting for, and a long list of things that should be produced for me to inspect. And this is drawn from the legislation in New South Wales. What it is that should be made available on a records inspection.

And I get there, 9 times out of 10 what I've asked for is not there or only part is there. And in this particular circumstance, the Strata Manager came over, sat with me. "Hi, Amanda. Hey, going good. Can I help you with anything, anything missing?" I said, "Oh yes, I don't have the emails. There are no emails here. And I'm here to inspect the records emails form part of the books and records." They should be here on the computer screen I was sat in front of for me to look at and the Strata Manager said, "Oh, they're in my inbox." I said, "Oh, that's good. Well, I'm here to inspect the records. I'd like to see them." "Oh, but there's thousands

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of them." I said, "Yes, you been managing the building for a few years. Yes, I imagine there would be thousands." "Oh, well, I can't provide all of them to you."

I said, "Oh, why not?" And the Strata Manager said, "Because some of them are marked confidential." "Why would they be marked confidential?" "Because the strata committee doesn't want me to put those emails on the record because it's got things about other owners and they don't want those things disclosed." And I had to explain to the Strata Manager that there is no such thing as privacy on owners corporation records. There's no such thing as confidential communications. There is such a thing as legal professional privilege. So if you're communicating with a Lawyer, that correspondence may be privileged, but otherwise the communications between owners, committee members with the Strata Manager, unless it's a committee member saying, "Mate, would you like to come to my barbecue on a Saturday afternoon?" If it's about the building, it's a record of the owners corporation and any owner or their authorised representative is entitled to inspect it.

So nothing should be withheld. And my client was specifically looking for communications between the committee and the Strata Manager, communicating about things that they had withheld that weren't put to meetings. And it's very frustrating that they have to engage a lawyer, pay legal fees, to send me off to go and have a debate with a Strata Manager who frankly should know better.

Veronica Morgan: What a classic. It's just, what a funny is it, but it reveals so many things. It reveals a level of entitlement, arrogance, incompetence. God, it's just woeful. And that whole, you and I've had a conversation before about some buildings that are run like cartels, that the owner's court with all the strata committee just seem to think is their show which is quite phenomenal. But God, the coverage in strata reports recently and there was actually one that was two done for the same building within a month. And I read both of them.

And you would think though, of two different buildings and the claim was that the initial company had sold their business. So sold their role, is that what you call it?

Amanda Farmer: Yes.

Veronica Morgan: To another strata management company. And the buyer was really, had absolutely no idea about records keeping or anything. But I would think to myself, given the way the first one was put together, it looked like... I was pretty impressed with the Strata Managers in the way that that first report was put together within the space of a couple of weeks. It's all over the shop. And I wonder if is it really the Manager or is it the actual person doing the report? Sometimes it's hard. It's hard to tell.

Amanda Farmer: Yes, we see that a lot when buildings transition from one Manager to the next that we get told, "Oh, well, the old Manager didn't deliver up all the files. I don't have everything." "Oh, I've been asking for that report and it hasn't been forthcoming." There is a real problem with record keeping when it comes to strata management offices, you wouldn't think that they should be because there's some great electronic systems, software companies out there doing really well, providing solutions. It should be easy enough to put everything in the cloud or on a USB or however you want to do it and get it across to another agent. But that really does seem to be where a lot of buildings have trouble keeping their records and making sure that they're accurate when they've had a change of Manager.

Veronica Morgan: And on that, and on a final note regarding by-laws, that you can't always find a complete set of by-laws in a strata report.

Amanda Farmer: No.

Veronica Morgan: But you should be able to find it in the contract of sale. Is that correct?

Amanda Farmer: Definitely. Yes. So the Conveyancer or the lawyer who's putting together the contract for sale has legislation, different to the strata legislation that they must comply with and must include particular instruments in the contract for sale. And that includes all of the instruments that are registered on the common property title. And the beauty of by-laws is that they are registered on the common property title. So should always be attached to a contract and can always be accessed. As an owner you can always access them by going to Land Registry services and paying. You do have to pay \$20 or so for a copy of the

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registered by-laws. And you can get them in one bundle if the building has complied with their legal obligation to consolidate and lodge but otherwise they will all be there, registered in one form or another. They could all be in separate instruments on the title. You'll get them all there.

Veronica Morgan: Yes. Try to trace them all down.

Amanda Farmer: That's it.

Veronica Morgan: Amanda, thank you so much for your time. I think this is really good to understand what this legislation or would this law, well, it's court case I should probably say, has said clearly, and there's not immediate claim on anybody who wants to own a pet in strata just to maybe immediately assume that they can have one, but also to have that broader conversation around by-laws and around the ability of a strata committee and the owners corporation to control what goes on in that building. So love your insights, love your time that you've spent with us. Thank you very much.

Amanda Farmer: Pleasure to be here. Thanks Veronica.

Outro: Thank you for listening to Your Strata Property, the podcast which consistently delivers to property owners reliable and accurate information about their strata property. You can access all the information below this episode by the show notes at www.yourstrataproperty.com.au. You can also ask questions in the comments section, which Amanda will answer in her upcoming episodes. How can Amanda help you today?