



Strata Titles Amendment Act 2018 Fact Sheet

SECTION 94

Power Of Strata Company To Carry Out Work

94. Power of strata company to carry out work

- (1) If a notice issued, or order made, under a written law has been served on the owner of a lot requiring that owner to carry out any work on or in relation to that lot and the notice or order is not complied with, the strata company may carry out the work.
- (2) A strata company may carry out work that an owner or occupier of a lot fails or neglects to carry out if the work is —
 - (a) required to be carried out by that person under a term or condition of exclusive use by-laws; or
 - (b) necessary to remedy a contravention of a duty that the person has under a statutory easement.
- (3) If an owner or occupier of a lot fails or neglects to carry out work on or in relation to that lot required to be carried out by order of a court or tribunal, the strata company may carry out the work specified in the order.
- (4) If the strata company carries out work under subsection (1), other than work performed for the benefit of the scheme building generally, or under subsection (2), it may recover the cost of so doing, as a debt in a court of competent jurisdiction —
 - (a) from the owner or occupier referred to in subsection (1) or (2); or
 - (b) if the work is carried out under —
 - (i) subsection (1), from a person who, after the work is carried out, becomes the owner of the lot on or in relation to which the work was carried out; or
 - (ii) subsection (2), from a person who, after the work is carried out, becomes the owner of the lot referred to in subsection (2).
- (5) If an order has been made to which subsection (3) refers and the order is not complied with, the strata company may recover from the person against whom the order was made the cost of carrying out the work, as a debt in a court of competent jurisdiction.
- (6) If any part of a scheme building comprised in a lot contains a structural defect which affects or is likely to affect the support or shelter provided by that lot for another lot in that building or the common property and the defect is not due to any contravention of a duty that a person has under a statutory easement, the strata company may, at its own expense, carry out such work as is necessary to rectify the defect.