



Strata Titles Amendment Act 2018 Fact Sheet

SECTION 115

Power to Terminate Certain Contracts for Amenities or Services

115. Power to terminate certain contracts for amenities or services

- (1) There is implied in every contract to which this section applies a provision that the strata company may terminate the contract, by written notice to every other party to the contract, after 5 years have passed since the contract was made.
- (2) No cause of action against any person arises from the exercise of the power referred to in subsection (1).
- (3) A contract or any other agreement or arrangement must not exclude the operation of subsection (1) and to the extent that it purports to do so it is of no effect.
- (4) This section applies to a contract if —
 - (a) it relates to the provision of amenities or services to the strata company or the owners of lots; and
 - (b) it is made after the commencement of section 41 of the Strata Titles Amendment Act 1995; and
 - (c) it was made before registration of the strata titles scheme or when any owner held 50% or more of the unit entitlement of the lots.
- (5) The Tribunal may, on the application of a person made in respect of a contract, by order extend the period of 5 years provided for by subsection (1), so far as it applies to that contract, if satisfied that the contract —
 - (a) is fair to all owners of lots in the strata titles scheme; and
 - (b) will remain fair to all those owners during the extended period.
- (6) An extended period under subsection (5) is not to exceed the term specified in the contract or a period of 10 years from the time when the contract was made, whichever is the lesser.