

# Resolving strata disputes under the Strata Titles Act amendments

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**The resolution of strata disputes is one of the key areas for reform in the amendments to the *Strata Titles Act 1985 (WA)*.**

**This article will look at how these changes will affect the resolution of strata disputes.**



## Disputes in strata living

The occupants of strata properties tend to live in close proximity to one another, sharing common areas and services. A strata lot may comprise a private apartment as well as a share of rights and responsibilities in common property, such as stairwells, driveways and visitor car parking spaces.

As a result, strata living may give rise to disputes on issues such as noise, parking, use as short-term rental accommodation, or the costs of building maintenance.

Disagreements can arise:

- between neighbours, occupiers and owners;
- between lot owners and the strata council or strata managers (who act on directions of the strata council); or even
- between the strata council and the strata managers.

Strata by-laws provide an internal dispute resolution process. However, there are times when informal resolution is ineffective and a formal dispute resolution process is required.

## Previous problems with dispute resolution

The current *Strata Titles Act 1985* contains complex provisions in relation to dispute resolution.

Until now, strata title disputes could be resolved in one of the three levels of courts in Western Australia, or in the State Administrative Tribunal (**SAT**). This availability of so many forums can cause confusion to those involved in a strata dispute.

## What are the changes proposed to dispute resolution?

The main reforms propose to:

- give the SAT sole jurisdiction for the resolution of strata disputes; and
- strengthen the SAT's powers to resolve strata disputes.

*'Giving the SAT sole jurisdiction will provide parties with a single clear pathway for resolving disputes'*

## What does this mean for those involved in strata?

This means that parties involved in a strata dispute no longer have to agonise over which court to start legal action in. They can simply resort to the SAT. In this regard, the SAT is more approachable than the courts. It is also generally a quicker and more cost effective mechanism for resolving disputes than the courts.

The reforms will give the SAT enhanced powers to enable it to resolve strata disputes effectively, including making orders to:

- enforce by-laws;
- allow members to make an application on behalf of a strata company to act on behalf of all lot owners, if the strata company unreasonably refuses to do so;
- make declarations about breaches of the Act, by-laws or lease;
- make declarations as to:
  - the validity of by-laws, council decisions and resolutions, and appointments of strata council members
  - whether there has been valid contract
  - the avoidance of a contract of sale of a strata lot
  - and a whole range of other matters relating to strata properties;
- make a party pay compensation to another in certain circumstances; and
- exempt a lot owner who wishes to make a structural alteration, from the need to obtain approval from the strata company.

In summary, whilst there are limitations on the SAT's powers, the reforms will provide a more efficient and effective structure for resolving disputes than is currently in place.

### Key Points

- The SAT will have sole jurisdiction for resolving strata disputes
- The SAT will have specialist strata expertise and powers to resolve strata disputes effectively
- The amendments are expected to come into effect in late 2019

## Contact

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