

Section 125 of *Strata Schemes Management Act (NSW) 2015* and *Clauses 32 & 33* of the Regulations enable owners corporations to deal with goods abandoned on common property.

Owners corporations can now store or dispose of, or authorise the disposal of, goods left on common property.

The legislation is written to enable the Regulations to deal with

- + Transfer of title of ownership
- + Payment of proceeds from sale of abandoned goods
- + And give the Tribunal (NCAT) to make directions or give orders for payment of compensation and payment of costs of disposing goods.

### CRITERIA FOR DISPOSAL

The 2016 Regulations allow the owners corporation to dispose the abandoned goods if:

1. they are **PERISHABLE**
2. they consist only of **RUBBISH**
3. a **DISPOSAL NOTICE** has been placed on or near the goods.

A DISPOSAL NOTICE must

- + not be smaller than **A4** in size, with **date** and **time** specified thereon
- + be placed in a way, or be made of something, that **weather** will not impact
- + **clearly describe** the goods. Strata Plus recommends that this includes a colour photo of the goods
- + state that “**if the goods are not moved from common property it will be removed on a [specified date]**” which is not less than 5 days from the date of the notice
- + **contact details** for member of the committee, strata managing agent, or delegate of the OC.

### CRITERIA FOR OC TO TAKE OWNERSHIP

If the abandoned goods are *blocking an entrance or exit* then

- + the goods can be moved, as long as the disposal notices is left near the area where the goods were abandoned.
- + The abandoned goods automatically become the property of the owners corporation
- + The owners corporation can sell the goods or dispose of them in a lawful manner
- + The proceeds of such a sale are to be receipted to the administration fund
- + The owners corporation must record the following details of the sale of the abandoned goods including:
  - a) a description of the goods (Strata Plus recommends that this includes a colour photo of the goods)
  - b) the date of sale
  - c) name & address of the purchaser
  - d) if sold by auction, then the details of the auctioneer with the principle place of business being vital.

### OWNERS RIGHTS

Note that an owner can apply to tribunal for an ORDER for the owners corporation to pay the owner the proceeds of the sale, less reasonable costs incurred by the owners corporation.

Please refer to our Problem Parking Info Guide which specifically deals with abandoned vehicles.

*If you have any questions, simply contact your Strata Plus strata manager.*