



## Body Corporate and Community Management

### Online Training – Unit 4 – Maintenance

#### Topic 07 – Responsibility for maintenance – dividing fences

The body corporate legislation itself does not contain specific provisions about fence ownership or maintenance. However, one or more of the following may apply to questions of fence maintenance:

- general provisions in the legislation about maintenance obligations
- the by-laws for the scheme
- the body corporate's duty to act reasonably.

Whether maintenance is the responsibility of the body corporate, the lot owner, or shared between both parties in some way, often depends on where the fence is located.

You need to think about whether the item is completely:

- within the boundaries of a lot
- on common property
- in an exclusive-use area, or
- on the boundary between 2 different areas.

You may also need to consider who installed the fence.

Who is responsible for maintenance may also depend on:

- the plan of subdivision your body corporate scheme is registered under
- the wording of exclusive use by-laws for your scheme.
- if there is an agreement between the parties about maintenance services.

For some dividing fences—and in some circumstances—the [Neighbourhood Disputes \(Dividing Fences and Trees\) Act 2011 \(A s311\)](#) may be applicable. Find more information about:

- [neighbourhood dispute resolution](#)
- resolving dividing fence disputes with the [Queensland Civil and Administrative Tribunal](#).

Further information may be obtained from the [Neighbourhood Dispute Resolution](#) branch of the Department of Justice and Attorney-General (the office which administers this legislation).

