

Building Format Plan Maintenance

How to ask questions

- Keep questions until towards the end of the presentation.
- Only questions about building format plan maintenance will be answered.
- We prefer you use the Q&A function for questions.
- If you cannot access Q&A, you can ask questions via the chat function.



Building format plan or building unit plan (BUP) maintenance



Topics

- Determining boundaries
- Types of buildings
- Responsibility for parts of the building
- Owners' maintenance responsibility
- Exceptions

Information is applicable to all regulation modules.



General guide

1. Does maintenance relate to common property?
2. Is it an additional responsibility of the body corporate **even though it is not** common property?
3. Any exceptions making it not body corporate responsibility?



Common property

| Body corporate | Owner |
|---|---|
| Common property utility infrastructure e.g. cold water pipes, drains, electrical wiring, intercom systems, gutters, sewage, data cables, plant and equipment (e.g. lifts), etc. | Devices providing utility service to only one lot - hot water system, washing machines, clothes dryers, solar panels, air conditioners, television antennae, etc. |
| Gardens, trees, mowing, etc. | Exclusive use by-law maintenance |
| Roads or driveways | Improvements installed by owner |
| Fences around boundary of scheme land | |
| Pools, spas, saunas | |



Exceptions to common property

- Utility infrastructure located on common property providing utility services to only one lot - hot water system (including system wiring and pipes), washing machines, clothes dryers, solar panels, air conditioners, television antennae or another device providing utility service to a lot (S180, Standard Module).
- Improvements installed by an owner on common property or inside their lot are owner's responsibility (S187, Standard Module).



Exceptions to common property

- Exclusive use by-law wording can change non-structural and structural maintenance responsibilities. e.g. painting outside walls, fences, or doors and windows become owner's responsibility. Can include structural maintenance.
- Private yards change wall boundaries – owner becomes responsible for windows, doors, non-structural maintenance of wall e.g. painting.



Inside the lot

| Body corporate | Owner |
|--|---|
| CP utility infrastructure | Owner's utility infrastructure |
| Essential supporting framework & loadbearing walls | Gyprock/plasterboard, skirting boards, painting |
| Foundations | Fixtures and fittings installed for owner's benefit |
| Roofing structures & roofing membranes | Waterproof membranes, shower trays |
| Windows and doors in boundary walls | Windows and doors not in boundary wall |
| Balustrades / railings on boundary of balcony | Tiles, carpet, floating wooden floors, lino etc. . |



Exceptions to interior of lot

Utility infrastructure that **does not meet all 3 points** stays body corporate responsibility, unless installed by the owner as an improvement (S20, Act):

- Services that lot only **AND**
- Is located within the lot boundaries **AND**
- Is **NOT** located within a boundary structure.

Fixtures and fittings installed for the owner for the owner's benefit remain owner's responsibility.



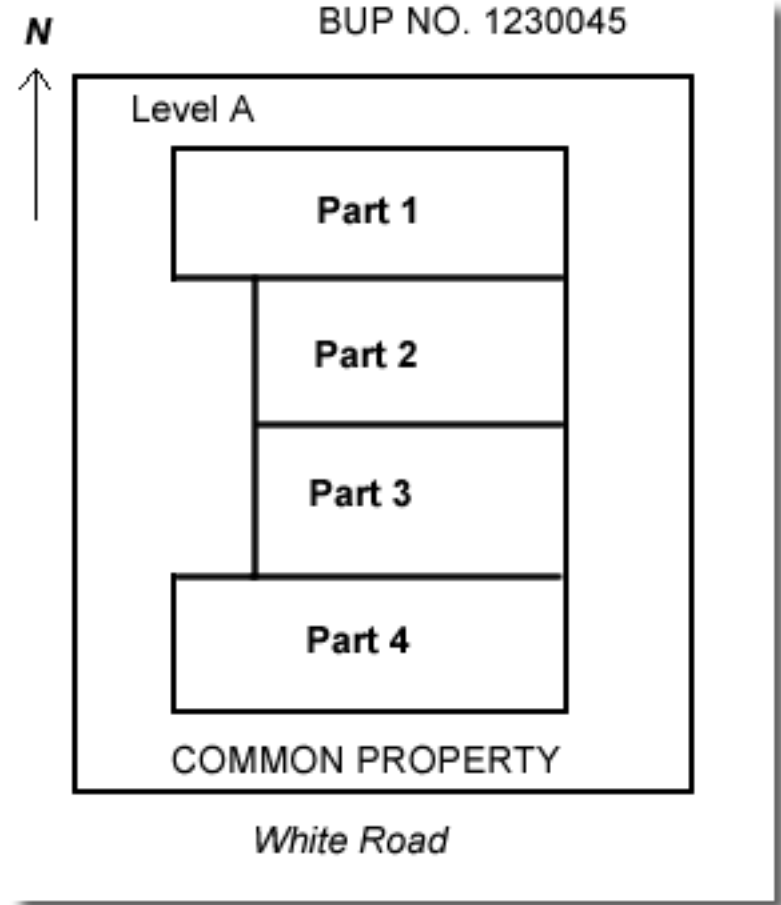
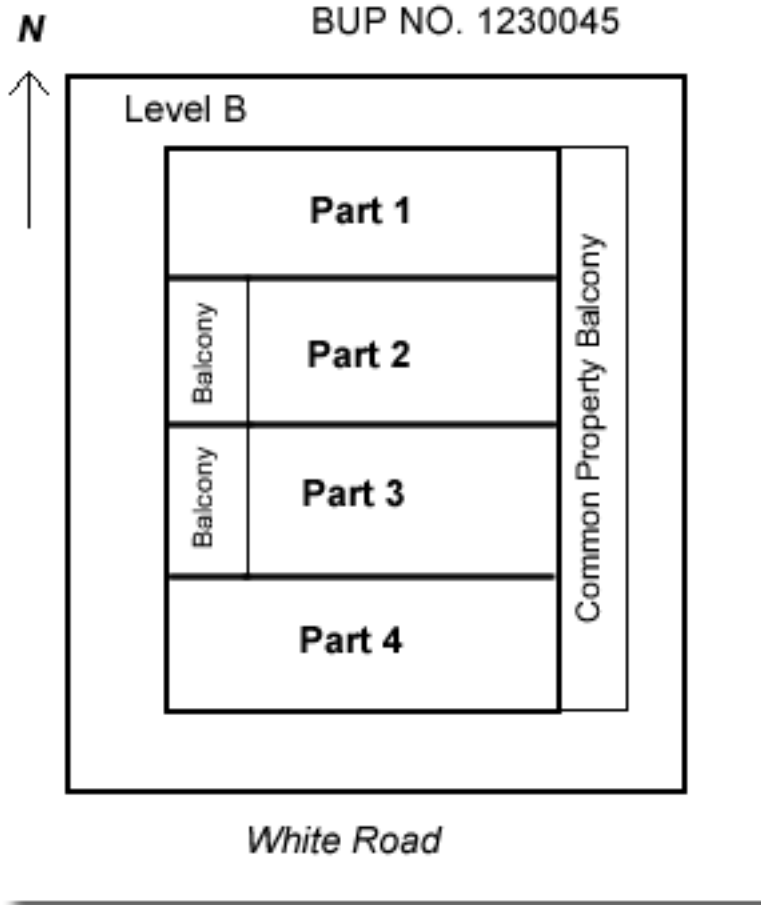
Types of buildings

Buildings under a building format plan can be:

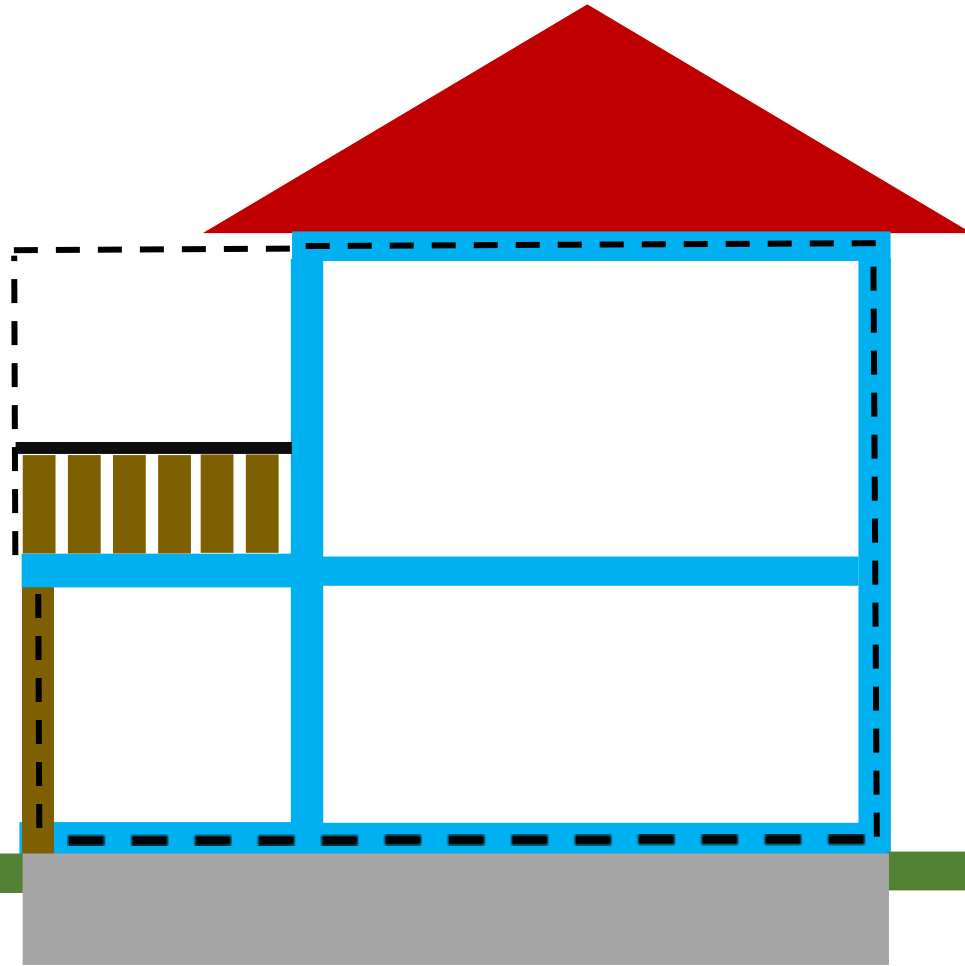
- High and low rise multiple story buildings
- Townhouses with or without shared boundary walls
- Villas
- Stand alone houses in an estate



Boundaries – top view



Boundaries - side view



Body Corporate and Community Management

Parts of the building

- Walls, soffits and eaves
- Doors and windows
- Common property balconies
- Parts of owners' balconies
- Roofing structures and roofing membranes
- Foundations



Walls, soffits and eaves

- Exterior half of wall is common property
- BC usually does exterior non-structural maintenance e.g. painting, cladding repairs
- Soffits and eaves are generally common property
- BC responsible for structural maintenance of common property



Walls & framework

Inside owner's lot:

- BC maintains in structurally sound condition all loadbearing walls and essential supporting framework.
- Legislation does not differentiate between a common wall (boundary structure) or a partitioning wall (located inside the lot boundaries).



Internal walls in lot

- Owner generally responsible for non-structural maintenance of walls e.g. gyprock, plasterboard, painting
- Cracks in walls inside lot usually owner's
- Owner must demonstrate body corporate has not maintained building in structurally sound condition i.e. breach of S180 SM

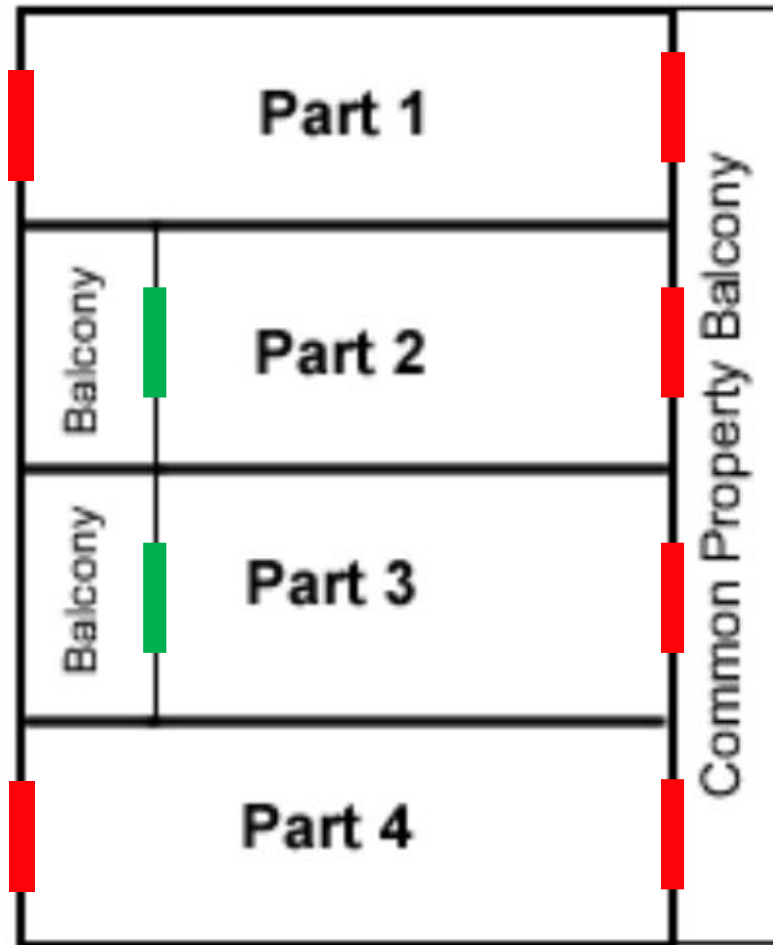


Doors and windows

- If in a boundary wall between lot and common property, they remain BC responsibility.
- Associated fittings can include garage door motors, auto closers, locks and hinges, flyscreens or security screens if installed by builder
- Owner's improvements to doors or windows are owner's responsibility to maintain
- If not in a boundary wall and are located inside the lot boundaries, usually the owner's responsibility.



Doors and windows



Thinner line is not a boundary wall

Dark line is the boundary wall



Balconies – body corporate

If common property i.e. outside boundary wall, all of balcony is generally BC responsibility

If part of lot, BC maintains:

- balustrades/railings on boundaries,
- roofing membranes if balcony provides protection to lots and common property,
- structural maintenance of slab, joists or other supporting framework



Balconies - owner

Owner is usually responsible for:

- Painting inside balcony
- Doors and windows in non-boundary wall
- Non-structural maintenance inside boundaries
- Tiles on balcony inside lot boundary



Foundations

- Located under floor boundary so usually common property
- Structural and non structural maintenance is BC's if common property
- If located within boundaries of lot:
 - non structural maintenance is generally owner's
 - structural maintenance is body corporate



Roofing structures

- Above ceiling boundary so both roofing structure and membrane are part of common property
- Even if inside the boundaries of the lot, BC must maintain roofing structures in structurally sound condition. e.g. roofing structure over a balcony



Roofing membranes & tiles

- Roofing membranes providing protection for lots or common property are BC responsibility even if inside lot boundaries (s180 SM)
- Typically on a rooftop, balcony
- BC may have to cover cost of lifting and replacing tiles if in good condition
- If tiles need repair, owner may have to contribute to some or all of tile cost



Roofing membranes & tiles

Rutherglen [2008] QBCCMCmr 377 (14 October 2008):

If the balcony tiles are in good condition... the body corporate should also repair or replace tiles that need to be removed to rectify the membrane. However, if the tiles are not in good condition then it would be appropriate for the body corporate to seek some apportionment as a result of the body corporate replacing old tiles with new tiles.



Roofing membranes & tiles

Galileo Tower- [2015] QBCCMCmr 581 (10 December 2015):

Normally an owner is responsible for tiles on their balcony... Any Body Corporate responsibility to replace tiles would arguably only be for tiles that are the same or the modern equivalent of the tiles that are removed, or tiles of an equivalent value to that. If an owner wanted different tiles, they would be responsible for any cost above the tiles that the Body Corporate is responsible for.



Waterproof membranes

- Waterproof membranes inside wet areas (kitchen, laundry, bathrooms) are owner's responsibility
- Not a roofing membrane and wholly within boundaries of lot
- Older buildings may not have required wet area waterproof membranes at time of build
- New buildings or renovations now required to have waterproof membranes



Waterproof membranes

An adjudicator stated in order **The Dalgety (Apartments) [2020] QBCCMCmr 118 (6 March 2020)**:

“...However, I do not consider waterproofing within the bathroom of a lot can rationally be categorised as a roofing membrane...”



Owner's lot maintenance

Includes but not limited to:

- Painting and plastering
- Flooring e.g. tiles, carpet, floating wooden floors
- Doors and windows not in boundary walls
- Fixtures and fittings e.g. kitchen cupboards
- Vanities, toilets, shower screens
- Utility infrastructure that services only that lot AND is inside boundaries AND not located within a boundary structure



Contact us & questions?

Phone: 1800 060 119 (free call back service)

Online enquiry: www.qld.gov.au/bodycorporatequestion

Website: www.qld.gov.au/bodycorporate

Titles Queensland: 07 3497 3479*

(for copies of survey plans and community management statements)

(*number updated January 2023 – no longer the 1300 number provided in original presentation)



Body Corporate and Community Management



Questions

