

Office of the Commissioner for Body Corporate and Community Management

# Real Estate Institute of Queensland

Zone event presentation



# Topics

- What is a body corporate?
- Selling, buying and leasing a lot in a body corporate
- Further information

# What is a body corporate?

- The legal entity made up of the owners of lots within a community titles scheme.
- Normally elects a committee to manage the daily running of the body corporate
- Makes decisions at committee or general meetings
- May engage a body corporate manager to assist (manager doesn't have power to make decisions)

# Selling or buying a lot

- Must include a disclosure statement with the contract of sale
- Disclosure statement is an obligation of the seller (not the body corporate or the body corporate manager)
- If the seller gets someone else to do it they pay what is charged (no prescribed fee)

# Selling or buying a lot

- BCCM Form 14 Information Sheet no longer required
- Contract must include following statement (or similar wording):

*The contract may be subject to a 5 business day statutory cooling-off period. A termination penalty of 0.25% of the purchase price applies if the buyer terminates the contract during the statutory cooling-off period. It is recommended the buyer obtain an independent property valuation and independent legal advice about the contract and his or her cooling-off rights, before signing.*

- Must be included in the sale contract directly above where buyer signs

# Selling a lot in a body corporate

## **Do not advertise:**

- “No body corporate”
- “Pet friendly”
- “No body corporate fees”
- “Low body corporate fees”

From our experience, inaccurate statements at the beginning cause unnecessary disputes later.

# Selling, buying or leasing a lot

Always check the by-laws for:

- Regulation around for sale signs / auctions
- Parking
- Other issues that may affect the way in which the lot is sold, advertised or leased
- Bodies corporate details should be passed on to the buyer or leasee (not confidential)
- Access the body corporate records

By-laws recorded on the scheme's community management statement.

# Selling, buying or leasing a lot

Always check the survey plans!

Survey plans identify the plan of subdivision. This tells you the boundaries of the lot and common property.

Without this you can't work out who maintains what. Two common types are building format plan and standard format plan.

Visit <http://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance-and-improvements/> for more information.



# Role of the Commissioner's Office

- **Information service:**

- general information about Act and regulations (e.g. procedures for meetings, maintenance responsibilities)
- can't provide rulings or interpretations
- no legal or contractual advice

- **Dispute resolution:**

- assist parties to resolve disputes about breaches of legislation or community management statement (e.g. by-laws)
- no contractual issues
- generally no debt recovery issues

# Further Information

- **Phone:** 1800 060 119 (freecall)
- **Online enquiry:**  
[www.qld.gov.au/bodycorporatequestion](http://www.qld.gov.au/bodycorporatequestion)
- **Website:** [www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate)
- **Subscribe to our e-newsletter** to keep up-to-date on body corporate news and events:  
[www.qld.gov.au/commonground](http://www.qld.gov.au/commonground)
- **Search of adjudicators orders:**  
[www.qld.gov.au/searchofadjudicatorsorders](http://www.qld.gov.au/searchofadjudicatorsorders)