

# Owners Corporation Law

**Our Owners Corporation team has a detailed understanding of the complex relationships that exist between the Owners Corporation, the manager, contractors, committee members and individual lot owners.**

We provide practical and interactive legal advice to Owners Corporation managers and committee members, allowing them to stay on top of legal changes and developments in the industry.

Owners of flats, apartments or units are usually members of an Owners Corporation, previously known as a 'body corporate'.

Once the *Owners Corporations Act 2006* ("the Act") took effect, on 31 December 2007, all body corporate organisations became 'Owners Corporations'.

If land or part of a building is set aside for common property in a plan of subdivision, an Owners Corporation must be created. An Owners Corporation may also be created to manage shared services within the land affected. Common property, for example, may include gardens, walls, stairwells, driveways, carparks, swimming pools, lifts and fences.

A person who owns property in an Owners Corporation automatically becomes a member of that Owner's Corporation. As a member, they have legal and financial responsibilities to the Owners Corporation. All Owners Corporations have statutory duties and powers set out in the Act.

Due to its complex nature it is common for disputes to arise within Owners Corporations or between Owners Corporations and tenants or members of the neighbourhood.

## Our Owners Corporation Law services include:

- Representation in the Victorian Civil and Administrative Tribunal (VCAT) Owners Corporations List regarding all issues affecting Owners Corporation including:
  - ◊ debt management and debt recovery
  - ◊ resolving issues relating to common property defects
  - ◊ enforcing Owners Corporation rules
  - ◊ obtaining orders for compliance with legal obligations
  - ◊ advice on the merits of prosecuting and defending legal proceedings involving Owners Corporations generally
- Advising Owners Corporations and managers on all aspects of management, administration and governance
- Preparing leases and licences for the common property and lots
- Establishing and structuring Owners Corporations
- Drafting special or additional rules for Owners Corporations and arranging the recording of those rules at the Titles Office
- Resolving management disputes
- Changing lot liability and lot entitlements
- Conversion of company share and stratum title schemes to Owners Corporation Subdivisions - amending of plans and advice relating to subdivisions.

HICKS  
OAKLEY  
CHESSELL  
WILLIAMS

Lawyers & Notary

## Contact us at:

**Melbourne Office**  
Phone: **03 9629 7411**  
[Google Map Link](#)

Level 18  
461 Bourke Street  
Melbourne 3000

Fax: 03 9629 7422  
DX: 31331 Mid-town  
PO Box 16067  
Collins Street West 8007

**Mt Waverley Office**  
Phone: **03 9550 4600**  
[Google Map Link](#)

Central 1, Level 2, Suite 17  
1 Ricketts Road  
Mt Waverley 3149

Fax: 03 9544 8711  
DX: 32002 Mt Waverley  
PO Box 2165  
Mt Waverley 3149

[enquiries@hocw.com.au](mailto:enquiries@hocw.com.au)  
[www.hocw.com.au](http://www.hocw.com.au)

Liability limited by a scheme approved under Professional Standards Legislation

## Legal services include:

- Commercial Law;
- Commercial Litigation;
- Commercial Tenancy Law;
- Family Law;
- Wills & Estates;
- Property & Conveyancing



08/2021