

Schedule 2 — Explanation of effect of section 47

[r. 57]

1. Enforcement of scheme by-laws

- (1) The strata company that has given you this notice is alleging that you have contravened the scheme by-laws.
- (2) Under the *Strata Titles Act 1985* section 47, the State Administrative Tribunal (the *Tribunal*) has power to enforce scheme by-laws.

2. Who can apply for enforcement of scheme by-laws

- (1) The following persons may make an application to the Tribunal for enforcement of scheme by-laws —
 - (a) the strata company;
 - (b) an owner of a lot in the strata titles scheme;
 - (c) if the strata titles scheme is a leasehold scheme — the owner of the leasehold scheme;
 - (d) a mortgagee of a lot in the strata titles scheme;
 - (e) an occupier of a lot in the strata titles scheme.
- (2) An application can only be made on the grounds that —
 - (a) the contravention has had serious adverse consequences for another person; or
 - (b) you have contravened the same scheme by-law on at least 3 separate occasions; or
 - (c) you have been given this notice and have contravened the notice.

3. How this could affect you

- (1) If an application is made to the Tribunal for enforcement of scheme by-laws, the Tribunal has power to make any order it considers appropriate to resolve the by-law enforcement proceeding.

- (2) In particular, if the Tribunal is satisfied that you have contravened the scheme by-laws, the Tribunal has power to make an order that requires you to do one or more of the following —
 - (a) pay a specified amount to the strata company by way of penalty for the contravention;
 - (b) take specified action within a period stated in the order to remedy the contravention or prevent further contraventions of the scheme by-laws;
 - (c) refrain from taking specified action to prevent further contraventions of the scheme by-laws.
- (3) The maximum amount that the Tribunal can impose by way of penalty for the contravention is \$2 000.