

Notice to Comply with a By-Law

Strata Schemes Management Act 2015 (section 146)

Name/s of lot owner or occupier

Address

Postcode

The owners corporation of Strata Plan _____ has decided to issue you this notice.

It believes that you have contravened by-law number _____

A copy of the by-law is attached.

The owners corporation believes that you have contravened this by-law by: (state action causing contravention and give dates and details. Example: On (date) you parked motor vehicle (registration number) on common property driveway without permission.)

You must comply with the by-law immediately by: (state action required to stop the contravention. Example: Removing motor vehicle (reg. no.) from the common property driveway)

You must stop contravening this by-law and obey it now and in the future. If you do not comply with the by-law, the owners corporation may apply to the NSW Civil and Administrative Tribunal to impose a monetary penalty on you.

Signed for and on behalf of the owners corporation
(please sign)

Name of signatory
(please print name)

Date

Important information about this notice

1. This Notice should refer to one by-law only.
2. The strata committee, or owners corporation (if it has decided not to let the strata committee issue this Notice), must convene and hold a meeting to decide to issue this Notice or to issue notices for the type of breaches concerned in this Notice, and record its decision in the minutes. Alternatively, a managing agent who has been delegated the function may decide to issue this Notice.
3. For a Penalty: an application to the NSW Civil and Administrative Tribunal must be made within 12 months of the Notice being served (given).
4. The secretary or strata managing agent should keep a copy of this Notice as well as a record of the date and method of service—refer to the Affidavit of Service on reverse. A strata managing agent who issues a Notice must make a written record specifying that action and the manner in which it was done. The agent must also provide a copy of the record kept to the owners corporation in accordance with section 55(2) of the *Strata Schemes Management Act 2015*. Enquiries may be directed to NSW Fair Trading on 13 32 20.

Affidavit of service

Name

I

Address

Postcode

say an oath as follows:

I am a person authorised by the owners corporation to serve the attached Notice to Comply with a By-Law.

On the day of year

Name of lot owner or occupier

I served

Method of service

with the attached Notice to Comply with a By-law by delivering a true copy by

at

as required by the *Strata Schemes Management Act 2015*.

Signed (please sign)

Name of signatory (please print name)

Date

Sworn at

this day of year

before me **Justice of the Peace / Solicitor** (please sign)

Name of signatory (please print name)

How this notice can be served

The *Strata Schemes Management Act 2015* sets out how notices may be given. Where an electronic means of service has been recorded for the person in the strata roll, the notice may be given to them electronically, as set out below. Where this is not available, the Act provides alternative ways to give the notice. The relevant section is shown below:

1. Service on occupier (section 263 (2))

A Notice or other document may be given to the occupier of the lot:

- (a) by post at the address of the lot, or
- (b) by leaving it at the address of the lot with some person apparently of or above the age of 16 years.

2. Service where address is included in the strata roll (section 263 (3))

If an address for the service of notices on a person is recorded in the strata roll or has been notified in a tenancy notice, a document may be given to the person:

- (a) In the case of a postal address – by post at that address, or
- (b) by sending it by electronic transmission to an address or location nominated (in correspondence or otherwise) by the person as an address or location to which correspondence can be sent, or
- (c) by leaving it at that address with some person apparently of or above the age of 16 years.

3. Service on owner of lot (section 263 (4))

A document may be given to the owner of the lot in accordance with point (2) above or if no address or service is recorded on the strata roll:

- (a) personally, or
- (b) by post at the address of the lot, or
- (c) by leaving it on a part of the lot that is the owner's place of residence or business (otherwise than on a part of the lot provided for the accommodation of a vehicle or as a storeroom), or
- (d) by leaving it in a place provided on the parcel for receiving mail posted to the lot, or
- (e) in any manner authorised by the by-laws for the service of notices on owners.