



CPD COURSES

Gosford

Sales & Prop Mgmt

Fri 16th Mar

Wagga Wagga

Sales & Property Mgmt

Tue 20th Mar

Wagga Wagga

Stock & Station

Tue 20th Mar

Sydney

Real Estate Sales

Thu 22nd Mar

Sydney

Property Management

Thu 22nd Mar

Taree

Sales & Prop Mgmt

Thu 22nd Mar

Sydney

Strata Management

Fri 23rd Mar

Newcastle

Sales & Property Mgmt

Fri 23rd Mar

Orange

Sales & Property Mgmt

Tue 27 Mar

Dubbo

Stock & Station

Wed 28th Mar

Dissenting Owners

The Strata Schemes Development Act 2015 came into effect from the 30 November 2016. With this new Act came new rules for the redevelopment of strata schemes. The rules changed from a redevelopment or a collective sale requiring unanimous support of all owners within the owners corporation, to a reduced level of support at 75% of owners within the owners corporation. With such a change and a reduction of support requirements, inevitably there will be strata schemes that are commencing the collective sale process without the full support of all owners.

Those owners who do not agree to the collective sale or redevelopment, are within the Act, referred to as "dissenting owners".

A point of discussion for topics relating to the redevelopment and collective sale process and dissenting owners is 'costs' and who should bear the costs of the redevelopment and any matters before the courts relating to the redevelopment process. The regulators who compiled the new Act saw reason that a dissenting owner should not have to pay the costs of a redevelopment if they are dissenting in the decision and section 188 states clearly the following:

188 Costs

1. Unless the court otherwise orders:

(a) the reasonable costs of proceedings for an application for an order to give effect to a strata renewal plan that are incurred by a dissenting owner are payable by the owners corporation, and

(b) the owners corporation cannot levy a contribution for any part of the costs on a dissenting owner.

2. The regulations may prescribe other matters for or with respect to the costs of proceedings for an application for an order to give effect to a strata renewal plan.

This matter has twice been raised within the Land and Environment Court in February of this year, by two separate strata plans, however being acquired by the same development company. Within both of these matters the costs of the dissenting owners were tabled and in *The Owners " Strata Plan 6877 v [2018] NSWLEC 1118; 2" 4 Lachlan Avenue Pty Ltd [2018] NSWLEC 13* (19 February 2018) the following was stated:

Clearly, with the commencing words in s188 "Unless the court otherwise orders", the Court has a discretion with respect to the award of costs. In the circumstances before me, I could see no reason why the costs of Lachlan incurred in bringing its Notice of Motion to join should not be costs covered by the Applicant

**CPD
2 HOUR
SEMINARS**

(8am - 10am unless otherwise specified)
Pre-reading required.

Full 12 points!!

Liverpool
Sales & Prop Mgmt
Wed 14th Mar

Castle Hill
Sales & Prop Mgmt
Mon 26th Mar

Parramatta
Sales & Prop Mgmt
Thu 29th Mar

Wollongong
Sales & Prop Mgmt
Thu 5th Apr

Bankstown
Sales & Prop Mgmt
Wed 11th Apr

Gosford
Sales & Prop Mgmt
Fri 13th Apr

Sydney
(5-7pm)
Sales & Prop Mgmt
Tue 17th Apr

Coffs Harbour
(130-330pm)
Strata
Thu 19th Apr

Parramatta
Sales & Prop Mgmt
Thu 19th Apr

Sydney
Strata Management
Fri 27th Apr

owners corporation. I interpret s188 as confirming that the default position with Class 3 Applications of the kind before the Court in these proceedings is that the costs of dissenting owners should be met by owners corporation applicants, providing, of course, that such costs are reasonable. In circumstances where it is clearly envisaged that a dissenting owner may be joined as a party to the proceedings, I cannot identify a reason why the costs of joining a dissenting owner ought not be covered by an applicant.

So in relation to the Respondent (Dissenting Owner) in this case, I believe that it should be entitled to its costs on the Motion. The appropriate order is that the "costs of the dissenting owner be costs in the cause", with such order being applied in accordance with s188 of the Development Act.

Strata Managers who are dealing with redevelopments and collective sales need to be aware that where dissenting owners want to take their grievances to the courts, of which the Act allows them to do, the cost of such, providing the costs are reasonable, will be paid by the owners corporation as a whole. When asked by the owners corporation why they are paying the costs of their fellow owner's motions in court they should be directed to section 188 of the Strata Schemes Development Act 2015.

'Til next time,

Wishing you every success in your business ventures,

Rosy

Diploma of Leadership and Management

BSB51915

Units taken from nationally accredited training qualifications from the BSB Business Services Training Package.

Every second Wednesday night
5.30pm - 8.30pm

NEW Skills Course for 2018

NCAT (The Reality of Tribunal)

A one (1) day skills workshop facilitated by Lisa Jemmeson, Senior Associate, Litigation, Jemmeson & Fisher and Rosy Sullivan, College Principal, ACOP

The workshop will focus on the practical skills and knowledge required to present matters at the NSW Civil and Administrative Tribunal.

CERTIFICATE OF REGISTRATION COURSES

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

Sydney

Mon 19th – Wed 21st Mar

Wagga Wagga

(Dist Ed + 1 day workshop)

Mon 19th Mar

Sydney

(Online + Weekend Workshop)

Sat 24th - Sun 25th Mar

Orange

(Dist Ed + 1 day workshop)

Mon 26th Mar

Tamworth

(Dist Ed + 1 day workshop)

Fri 6th Apr

Newcastle

(Dist Ed + 1 day workshop)

Fri 20th Apr

FINANCE AND MORTGAGE BROKING COURSES

Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

Cert IV in Finance & Mortgage Broking Sydney

Mon 30th Apr- Wed 2nd May

Dip of Finance & Mort Broking Mgmt

Upgrade for existing

Cert IV holders

Sydney

From the Office

In amongst a busy training environment, we have had a quite few events kicking off, including new webinars in our fancy new media room; the commencement of the EAC Insight Tour around NSW with the first two sessions being conducted at Newcastle and The Entrance; Kristin (our accounts administrator) moving into her brand new home with her family (huge excitement for the all 4 of them); an afternoon tea session with the ACOP coach Steve Knox when he delivered his new book "Confidence" to each member of our team and inspired us all to build and share our confidence with our colleagues; and then it was International Women's Day where we all discussed the changing face of the world and our places within it. Also for International Women's Day, Rosy spoke at a function raising awareness for the Northern Beaches Women's Shelter – in order to raise funds to operate the much needed service. And of great importance (to many in our office), the footy tipping competition has begun..... so here's to our Monday morning conversations about how the Manly Sea Eagles are truly the winning team!!

Auctioneer Accreditation

From CPP40307

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For existing Real Estate, Strata and Business Broking Licensees

acop.edu.au

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Financial Management
Sydney CBD
Mon 26th - Tue 27th Mar

Staff Management
Sydney CBD
Wed 28th - Thu 29th Mar

Stock & Station Agency Practices
Sydney CBD
Mon 16th - Fri 20th Apr

Strata Management Agency Practices
Sydney CBD
Mon 12th - Thu 15th Mar

Sales for Real Estate
Sydney CBD
Tue 3rd - Fri 6th April

Auctioneer Accreditation
Sydney CBD
Mon 16th Apr

Trust Accounting + Insurance (Strata)
Sydney CBD
Fri 16th Mar

Trust Accounting
Sydney CBD
Mon 7th - Wed 9th May

Property Management
Sydney CBD
Thu 10th - Fri 11th May

FNS40815 Certificate IV in Finance and Mortgage Broking

Monday 30th April- Wednesday 2nd May

FNS50315 Diploma of Finance and Mortgage Broking Management

Thursday 3rd - Friday 4th May

MAKE 2018 YOUR YEAR

With proposed reforms coming for the real estate and property industry, make 2018 the year that you get the qualification and obtain a full property licence

ACOP provides licensing training programs, and will recognise your prior learning and experience, for the following licence categories:

- ★ real estate agent's licence
- ★ strata manager's licence
- ★ business agent's licence
- ★ stock and station agent's licence
- ★ buyer's agent's licence
- ★ on-site residential property manager's licence

If you are seeking Recognition of Prior Learning (RPL) or Recognition of Current Competence (RCC), talk to us about the types of evidence that you will need to provide to seek these exemptions from training.

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