STR-05 Sale or Lease of Part of the Common Property

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1 Sale of Part of the Common Property

The proprietors of a strata/survey-strata plan may sell part of the common property or a common property lot (s.19 of the STA as amended). The portion to be sold must be the whole or part of the land comprised in an approved survey. As an example of how to prepare the transfer, the land description and transferor panel would contain the following information:

Land: Portion of Swan Location 16 and being all that part of the common property in Strata Plan 6000 as is comprised in Diagram 61616

Transferor: The Owners of 18 Hay Street, Perth, Strata Plan 6000 of 18 Hay Street, Perth.

The transfer must be accompanied by a Certificate of Strata Company form from the ST GR, and sealed by the Strata Company in the same way as the certificate.

Where the common property/common property lot being transferred comprises only part of the land in a survey, the transfer must be accompanied by:

- an application for a new title the subject of that survey (using Application for a New or Balance Title form)

and

- the duplicate certificate of title (if any) for the other land owned by the applicant.

Where the common property/common property lot being transferred is the whole of the land in a survey, an application Application for a New or Balance Title form is not required to accompany the transfer.

As a survey is required for the portion transferred, the consents required by s.19(10) of the STA as
amended, are deemed to have been obtained when the survey has been approved. A replacement sheet will also be required to depict what remains in the scheme after the land is transferred out.

Common property/common property lot(s) may also be transferred to the proprietor of a lot in the strata/survey-strata scheme as part of a re-subdivision (see STR-06 Modifications to an Existing Strata/Survey-Strata Scheme, Section 5).

2 Lease of Part of the Common Property

The proprietors of a strata/survey-strata plan may lease part of the common property or sub-lease land leased to increase the common property. A lease for a period greater than three years may be registered on the strata/survey-strata plan. On registration, such a lease must:

- show the strata company as lessor
- be accompanied by a certificate in the manner of Certificate of Strata Company form from the ST GR
- be accompanied by the consent of the Local Government and
- where the term (including extensions) exceeds the relevant period set out in regulation 38 of the ST GR, be endorsed with the consent of the Western Australian Planning Commission.

A sub-lease of land leased to increase the area of the common property may not be entered into by the Strata Company if the terms of the original lease prevent it. Registration of the sub-lease is effected in a similar manner to that shown for a lease above.

3 Also see

- SUB-01 Subdivision
- STR-01 Strata/Survey-Strata Plans