



Ownership of buildings

Strata Title explained - Conversion option 1

OWNERSHIP OF BUILDINGS

Conversion of Buildings From Common Property to Individual Ownership by Resolution

If your scheme is a single tier strata scheme which is created before the 1st of January 1998, you can take advantage of this option at any time to change ownership of the buildings shown on your strata plan from common property to individual ownership by resolution of the owners. For Schemes registered after this date only the normal process of re-subdivision can effect such changes to lot boundaries.

Where there are between two and five units in a single tier strata scheme registered before the 20th July 1997 or 6 months after the registration of your strata plan registered between 20/1/97 and 31/12/97, then the buildings shown on the plan have automatically converted to individual ownership unless any owner made objection to Landgate.

This option may still be used even if an owner has previously objected to the automatic conversion of the buildings, if the circumstances have changed.

Each of the conversion options can only be used once. They will legally change the ownership of your property. It is important to follow these instructions carefully so:

1. After the process is completed, you own what you want to own;
2. the process is completed quickly and easily ; and
3. your ownership cannot be challenged in the future

Before You Start

Before you commence this process, you should consider the following points:

- Obtain a copy of your strata plan from Landgate or your local conveyancer, if you don't already have one.
- Check that the buildings in your scheme have not already been automatically converted to individual ownership.
- Do you want to also convert land from common property to individual property (Conversion option 2, or convert to a survey-strata scheme (Conversion option 3)
- Make sure that you will be able to legally continue to use any other areas in the buildings which are currently used by all of the unit owners, such as passageways and shared laundries.
- You may need to make by-laws to ensure the colour or appearance of the buildings or other features of the scheme are maintained.
- Will the new boundaries be where you want them to be?

Steps Required to Convert Common Property Buildings to Individual Ownership by Resolution

Step 1. Agree to the Ownership Changes

Have a meeting of the unit owners to decide which of the ownership options you wish to take advantage of, and to authorise any expenditure required.

Step 2. Pass a Resolution Without Dissent

Failure to properly pass a resolution without dissent will mean that the changes may have no legal standing if challenged in the future, so it is very important that this process is followed.

Where there are only two units in your scheme, you must pass a unanimous resolution (i.e. both of you must agree).

Resolution Without Dissent Procedure

- A meeting of the strata company must be called and at least 14 days notice in writing of the meeting must be given to all unit owners (and any mortgagee who has given written notice of its mortgage to the strata company). The notice must state the time, date and place of the meeting and what the resolution will be.
- Pass a resolution to change the ownership of buildings shown on your strata plan from common property to individual ownership.
- The wording of the resolution must be the same as the wording set out in Form 30.
- To hold the meeting and vote on the resolution, the owners (of their proxies) of at least half of the units, and who have at least half of the unit entitlements, must be at the meeting. If a mortgagee of any units has given written notice of its mortgage to the strata company, the mortgagee has the right to vote instead of the owner of that unit. In a two unit scheme, the mortgagee must vote if it has given written notice of its interest in the land to the strata company.
- The resolution without dissent is passed if no owner votes against it:
 1. At the meeting; or
 2. by writing to the strata company (or other owners if there are 2 to 5 units in your scheme) within 28 days after the meeting.
- **This means you can't sign or lodge your documents at Landgate until after this period has passed unless all unit owners voted in favour of the resolution at the meeting.**
- If there are only two units in your scheme, all owners must vote in favour of the resolution.
- Passing of the resolution should be recorded in the minutes of the meeting
- If any owner votes against the resolution, an application can be made to the Strata Administrative Tribunal to order that the resolution has been passed .
- **Before voting, consider the points raised under "Before You Start" on page 1.**

Step 3. Complete a Notice of Resolution Form (Form 30)

You must complete and sign a 'Notice of Resolution of Merger of Buildings' document (Form 30) using the Example Copy as a guide. The resolution must be the same as that passed by the owners.

Step 4. Lodge the Documents at Landgate

To enable the changes to be properly recorded on your strata plan, you must lodge the completed Notice of Resolution Document (Form 30) at Landgate.

You do not have to produce your certificate of title to Landgate to record the change, however there are registration fees payable when lodging the documents.

Where to get Help

The Land Registration Centre within Landgate which is located at Midland Square, Morrison Road, Midland is available to provide advice and guidance on strata titles matters by phone or personal attendance.

This help is available 8am – 5pm Monday to Friday.

The telephone numbers are :

Strata Advice Line	+61 (0)8 9273 7373
Fax	+61 (0)8 9273 7651
Email	Lrc@landgate.wa.gov.au

No assistance is available at the Landgate Perth Branch Office.

Non Government Assistance

Assistance is also available from industry professionals such as Licensed Surveyors, Settlement Agents, Solicitors, Licensed Valuers and Strata Managers.

Where to Get the Documents

The forms are available from Landgate at Midland Square, Midland or the State Law Publisher at 10 William Street, Perth and at the Landgate Website www.landgate.wa.gov.au

Where to Lodge the Documents

The documents can be lodged with Landgate at:

- Midland Square, Midland
- Perth Business Office, Ground Floor, Mt Newman House, 200 St Georges Tce, Perth

Office hours for lodgement are 8.30am to 4.30pm

Form 30

NOTICE OF RESOLUTION OF MERGER OF BUILDINGS

Strata Titles Act 1985
Section 21G

The Owners of,

... 305 to 312 Branford Gardens, Kelmscott...
Strata Plan No. ... 12345... hereby certify that on the ... 28/09/2006... the following
resolution was passed as a *resolution without dissent/unanimous resolution (in the
case of a two-lot scheme) —

That in relation to the lots or parts of the lots which are buildings shown on the
strata plan, the boundaries are to be fixed by reference to the external
surfaces of those buildings, as provided for by section 3AB of the Strata
Titles Act 1985.

** Where 2 lots have a common or party wall, or have buildings on them which
are joined, the centre plane of that wall or the plane at which they are joined, is
the boundary.

The Common Seal of the Owners of,

Strata Plan No. was affixed hereto on the,
in the presence of —

Members of Council

OR ***

Table with 2 columns: Full name of proprietor, Signed. Includes entries for Timothy James Jones and Denise Leanne Smith.

* Delete whichever is inapplicable.
** Delete if inapplicable.
*** This form may be signed by the strata company, all of the registered proprietors in a 2 to 5 lot
scheme or by one proprietor where an order made under section 103C or 103M accompanies
this form.

[Form 30 amended in Gazette 30 Dec 2004 p. 6945.]

Name of building or
scheme as shown on
the strata plan.

Date of resolution.

This resolution
changes buildings
shown on the strata
plan from common
property to individual
property.

Delete this if the
buildings are not joined
in any way

Can be signed by two
council members with
the common seal of
the strata company;
or
All of the unit owners
in a two to five lot
scheme.



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