

Identification and explanation of key/generic terms to assist interpreters

Strata titles disputes are decided under the Strata Titles Act 1985 (WA) (Act).

A full list and definitions of the terms used in the Act are set out in s 3 of the Act. The meanings given in the Act itself are the official definitions that will be used by the Tribunal in determining disputes.

However, we have selected a few key terms and phrases, and have provided some simplified definitions and explanations, which may help you to translate some of the core concepts to the parties you may assist in strata titles disputes.

All of the words that appear below in ***bold italics*** are terms that are defined in the Act.

Common terms

Key terms for explaining what a strata titles scheme is

<p><i>Strata titles scheme</i></p>	<p>This is a kind of property ownership, by which an area of land (referred to as a <i>parcel</i>) can be divided into two or more <i>lots</i> and <i>common property</i>.</p> <p>There are two kinds of strata titles schemes: <i>strata schemes</i> or <i>survey-strata schemes</i>.</p>
<p><i>Scheme plan</i></p>	<p>This is a set of documents registered with Landgate which identify a strata scheme (<i>strata plan</i>) or a survey-strata scheme (<i>survey-strata plan</i>).</p> <p>A scheme plan will always include a sketch of the parcel showing the lots and common property. Provisions in the Act define the boundaries of the lots or common property in a scheme by reference to that sketch.</p>
<p><i>Lots</i></p>	<p>These are parts of the parcel of land under a <i>strata titles scheme</i>, each of which has its own title and can be owned, and dealt with, separately from the other lots in the scheme.</p>
<p><i>Common property</i></p>	<p>This term refers the land in a <i>strata titles scheme</i> is which owned jointly by all of the <i>lot</i> owners.</p>

Kinds of strata titles scheme	
Strata scheme	This is one kind of strata titles scheme. In this kind of scheme, the lots comprise areas of cubic space which are usually defined by reference to physical structures. They may or may not include all or parts of a structure, but never include the land itself.
Survey strata scheme	This is one kind of strata titles scheme. In this kind of scheme, the lots comprise areas of land. The lots may also include the structures on the land, but are not defined by physical structures.
Two-lot schemes	This kind of strata titles scheme comprises only two lots. There are special provisions in the Act that apply to such schemes.
Small strata schemes	This kind of strata titles scheme comprises up to five lots. There are special provisions in the Act that apply to such schemes.
Single-tier strata schemes	The lots in this kind of strata titles scheme are not above or below any part of another lot. There are special provisions in the Act that apply to such schemes.

Key terms for explaining how strata titles schemes are run

Strata company	This is a body corporate created by the Act, the members of which are the lot owners in the strata titles scheme. The strata company has responsibilities connected with managing the common property, and for insurance and financial arrangements for the strata titles scheme (these functions are set out in Part 8 of the Act). It has the powers of a natural person, and can sue or be sued.
Council (of a strata company)	This is the governing body of the strata company (like a board of directors in a company) and is usually made up of members (lot owners) elected to hold office. Most of the functions of a strata company are performed through the Council.

Resolutions (of a strata company)	These are the decisions of a strata company which are made by taking the votes of members . Different kinds of decision require different kinds of resolution. There are four kinds of resolution - ordinary resolutions, special resolutions, resolutions without dissent and unanimous resolutions – each having specified voting and procedural requirements
Contributions	These are monies raised by a strata company to carry out its functions. The strata company is empowered to levy contributions from its members , usually based on their unit entitlements .
Unit entitlements	These figures representant the proportionate value of each owner's share in a strata titles scheme.
By-laws	<p>Because strata schemes involve a kind of community ownership, there are rules that govern a range of matters about the governance of the scheme (governance by-laws) and the conduct of people on scheme land (conduct by-laws).</p> <p>The Act contains a set of default by-laws in Schedule 1 (governance by-laws) and Schedule 2 (conduct by-laws). However, a strata company can change or add to the by-laws that apply to a scheme, and if it does so then the new by-laws must be registered on the scheme plan.</p>

Key terms for explaining strata titles disputes

Strata titles disputes	These are the kinds of dispute that the Act empowers the State Administrative Tribunal to determine. They include disputes between scheme participants about matters arising under the Act, but exclude a range of matters (including most disputes about monies owed as a debt).
Scheme participants	This terms refers to the groups of people who may be involved in a strata titles dispute .

Orders	These are a kind of enforceable remedy that the Tribunal can make in determining a strata titles dispute . Orders may require or authorise a person to do or refrain from doing something.
Declarations	These are kind of remedy that the Tribunal can make in determining a strata titles dispute . Declarations state the rights of a party.