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Queensland Government home For Queenslanders Your rights, crime and the law Housing and neighbours Body corporate and community management Body corporate legislation and services we offer Buying a body corporate property

## Buying a body corporate property

This information is relevant to bodies corporate that are registered under the [Body Corporate and Community Management Act 1997](https://www.legislation.qld.gov.au/view/html/inforce/2017-07-03/act-1997-028) (<https://www.legislation.qld.gov.au/view/html/inforce/2017-07-03/act-1997-028>) (BCCM Act).

If you are thinking about buying into a community titles scheme—that is, buying a lot (unit, apartment, etc.) on a property that has a body corporate—you may want to learn more about its particular situation.

This page will help you decide what searches you wish to do, if any, and give you an understanding of what your responsibilities as a lot owner would be.

When you decide to buy a unit that is a part of a community titles scheme, you may need to find out:

- the role of the body corporate (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/roles/body-corporate>).
- what you will have to pay (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/finance-insurance/fees/owners>).
- what the body corporate will maintain (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance>).

## Things you should know about owning a lot

Owning a lot in a community titles scheme brings certain obligations beyond those of owning a detached house.

You should carefully consider whether living or investing in a community titles scheme suits your lifestyle and financial needs.

When you buy a lot in a community titles scheme you are automatically a member of the body corporate.

You **cannot** 'opt out' of being a part of the body corporate.

## Legislation

The BCCM Act is the legislation that regulates most bodies corporates in Queensland. It sets out the rights and responsibilities of people involved with bodies corporate.

A number of regulation modules (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/modules/about>) complement the legislation (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/legislation>), and are designed to meet the needs of different types of community titles schemes.

The regulation modules set out rules including those relating to:

- committees
- general meetings
- financial management
- property management
- insurance.

Every owner should know which regulation module applies to their scheme.

To find out which module applies to the scheme where you are purchasing, contact the Titles Registry (<https://www.business.qld.gov.au/industry/titles-property-construction/titles-property/searches-documents>).

## Maintenance

The body corporate is responsible for maintaining the common property and in some situations certain elements of a building that are not common property.

The survey plan ([#survey-plan](#)) for a community titles scheme establishes the boundaries between the lots and the common property.

Bodies corporate are most commonly registered under 2 different types of survey plan. They are either:

- building format plan (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance/format-plan/building>) (previously building units plan)
- standard format plan (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance/format-plan/standard-format-maintenance-lightbox>) (previously group titles plan).

Every owner should know what type of plan applies to their lot because it is important in determining whether or not an area is common property and who is responsible for maintenance (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance>).

You will not only have certain rights and responsibilities for your own property, but also for the common property shared with other owners in your complex.

It is important to find out what the costs for maintenance and general upkeep of the common property will be.

Common property ranges from a shared driveway or letterbox to elevators, stairways, swimming pools, tennis courts, roadways and golf courses.

## Levies

As an owner you will need to contribute financially (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/finance-insurance/fees/owners>), to day-to-day running costs of the scheme by paying regular 'levies'.

Levy amounts vary between schemes depending on the condition and age of the common property and shared facilities. Running costs are likely to increase over time.

Failure to pay levies on time may attract a high rate of interest (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/finance-insurance/fees/owners>) (up to 30% per year) and additional costs.

When considering purchasing a unit in a community titles scheme, you should find out if there are any levies and charges still owed by the current owner. As the new owner you would be liable to pay any outstanding amounts.

## By-laws

By-laws (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/by-laws>) are an additional set of rules particular to each scheme that regulate the behaviour of owners, occupiers and their invitees on the common property and within their lots.

By-laws often cover a range of issues, such as noise, pets and parking.

You should find out the by-laws for the scheme you are considering buying into, so you know what you can and can't do, or what you need to ask permission for once you become an owner.

Copies of the by-laws for each body corporate can usually be found on the community management statement ([#community-management-statement](#)).

## Your role

Owners of lots in community titles schemes have a number of duties and obligations. An owner:

- is responsible for keeping their lot in good condition
- may be responsible for maintenance of an area of common property over which they have a right of exclusive use
- must obey the by-laws that apply to the scheme
- must not
  - cause a nuisance or hazard
  - interfere unreasonably with the use or enjoyment of another lot

- interfere unreasonably with the use or enjoyment of the common property by a person who is lawfully there

## Information sources

If you are looking at buying into a community titles scheme you may want to contact these people to find out more about the particular property.

### Body corporate secretary or manager

You can find the contact information for the body corporate secretary or manager on the disclosure statement that must be supplied with your contract of sale.

### Information certificate

You can purchase a body corporate information certificate (form 13) to confirm any annual levies you will be required to pay and any outstanding amounts.

You may become liable for any outstanding levies once you are the owner.

The body corporate will charge you a fee (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/records/fees-for-access>) for an information certificate.

### Access to body corporate records

You can also conduct a search or ask for copies of the body corporate's records (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/records/access-records>).

When asking for copies of records, you will need to be specific about what you want to see.

Searches of interest may include:

- Improvement register, to find out if you are responsible to maintain or take out additional insurance for any improvements to the lot you are purchasing (e.g. balcony enclosure, air-conditioning unit)
- Contracts to which the body corporate is a party—you will have to contribute to these through your levies (e.g. caretaking, letting, body corporate management or lift maintenance)
- Insurance policy, to make sure it is current and to find out what it covers
- Financial records, to find out how healthy the funds are
- Minutes of committee and general meetings, to find out what decisions have previously been made by the body corporate.

The body corporate is entitled to charge you a fee (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/records/fees-for-access>) for any search or copies.

## Titles Registry

Community titles schemes are registered with the Titles Registry.

Copies of the community management statement (CMS) and survey plans will help you find out more about the scheme you are wanting to buy a property in.

You can purchase a copy of the CMS or survey plans for your scheme. Some searches can be done online (<https://www.business.qld.gov.au/industry/titles-property-construction/titles-property/searches-documents>).

The Titles Registry can be contacted on 1300 255 750 for further information

### **Community management statement**

Each body corporate has a CMS particular to the scheme.

The CMS identifies, among other things:

- any proposed development of the scheme
- lot entitlement schedules (used to calculate your levies)
- relevant by-laws
- the regulation module that applies to the scheme.

### **Survey plans**

Survey plans help you identify the boundaries of your lot and the common property.

They also help identify exclusive-use common property, which may attach to your lot.

The survey plan should tell you if your scheme is registered under a building format plan or standard format plan.

## **How we can help**

Our Office of the Commissioner for Body Corporate and Community Management (BCCM Office) provides dispute resolution and information services under the BCCM Act.

### **Information service**

We provide a free information service for those who live, work or invest in community titles schemes.

We do not provide legal advice.

Contact us on 1800 060 119 or by submitting an [online enquiry](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/services/enquire) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/legislation-and-bccm/services/enquire>).

We have produced a [range of online information](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate>) on various topics relevant to all regulation modules, including [by-laws](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/by-laws) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/by-laws>), [maintenance](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance>) and [insurance](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/finance-insurance/insurance) (<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/finance-insurance/insurance>).

### **Dispute resolution service**

We also provide a [dispute resolution \(https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes\)](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes) service to resolve most disputes that arise within bodies corporate that cannot be resolved internally.

You must own the lot before you can apply for dispute resolution with us.

### Search of adjudicators orders

You can [search our records \(https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication/search-decisions\)](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication/search-decisions) to see if any disputes have arisen in your scheme that required an adjudicator (a decision maker) to intervene in matters affecting owners, occupiers or the body corporate.

## More information

- [A quick guide to community living in Queensland \(https://publications.qld.gov.au/dataset/a-quick-guide-to-community-living-in-queensland-booklet/resource/f612df9e-908d-417c-a64f-fa3dc2a882d2\)](https://publications.qld.gov.au/dataset/a-quick-guide-to-community-living-in-queensland-booklet/resource/f612df9e-908d-417c-a64f-fa3dc2a882d2)
- [Role of the body corporate \(https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/roles/body-corporate\)](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/roles/body-corporate)
- [Role of the committee \(https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/roles/committee\)](https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/roles/committee)

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