

Australian Capital Territory

Unit Titles (Management) Certificate Determination 2021

Disallowable instrument DI2021-107

made under the

Unit Titles (Management) Act 2011, s 119 (Unit title certificate and access to owners corporation records)

EXPLANATORY STATEMENT

The *Unit Titles (Management) Certificate Determination 2021* prescribes the information that must be provided in a unit title certificate issued under section 119 (1) (a) of the *Unit Titles (Management) Act 2011* (the Act), and in a unit title update certificate under section 119 (1) (b) of the Act.

An eligible person, for example a unit owner or potential purchaser, can request a unit title certificate or a unit title update certificate, which outlines financial and other matters about the unit and the units plan, to assist in determining the current status of the unit and associated costs.

The unit title update certificate must provide an update, if any, on all information provided in the initial certificate, as an owners corporation may have subsequently held meetings and made decisions impacting the eligible person.

This instrument removes the requirement in the previous determination, DI2020-285, to provide information on whether the units plan is subject to any ongoing Development Approval conditions. On implementation, this requirement was found to be impractical.

The requirement was intended to address situations where a units plan may be subject to a Development Approval condition that persists after construction of the building has been completed, and a unit owner undertakes works on the unit or common property, not being aware of the condition, and therefore in breach of the Development Approval.

This objective will now be achieved by providing guidance to owners corporations, their managing agents and unit owners that works they wish to undertake on their units will be subject to any applicable Development Approval conditions, and they will need to obtain development approval and/or owners corporation approval.

This instrument adds an additional requirement, in section 3 (1), to provide the minutes of meetings of the owners corporation, and the executive committee, held in

the two years before the day the property was first advertised or offered for sale or listed with an agent.

This requirement has been removed from the required documents in relation to the sale of residential property under section 9 of the *Civil Law (Sale of Residential Property) Act 2003*, and instead added to the unit title certificate and unit title update certificate.