
Topic 9: Supply of services

A body corporate may offer to supply one or more of the following services to owners and occupiers of lots:

- maintenance services, which may include cleaning, repairs, painting, pest control or extermination or mowing;
- communication services, which may include installation and supply of telecom, intercom, computer data or television;
- domestic services, which may include electricity, gas, water, garbage removal, air-conditioning or heating.

(SM. s169)

For example, in a scheme created under a standard format plan, a body corporate can arrange a painting contractor to paint lots in the scheme for owners who wish to participate in the offer. However, this offer is purely optional. Lot owners cannot be forced to participate in this type of arrangement. The body corporate may recover the cost of providing such a service individually from owners who have accepted the offer. These charges cannot and must not form part of body corporate levies.

A body corporate or its committee cannot pass a motion that requires lot owners to accept an offer to provide a service for the benefit of owners and occupiers of lots. Additionally, a body corporate cannot pass a by-law that compels a lot owner to participate in such an arrangement for the supply of services (**Cambridge Street Town Houses - Order. 0274-2000**).

Body corporate may carry out maintenance work required of owners and occupiers

A body corporate may carry out work required of owners and occupiers (for example, where they have failed to maintain the lot) and recover the reasonable cost of carrying out the work from a lot owner as a debt (SM. s171). This applies to work that an owner or occupier is obliged to carry out under:

- the Act or one of the Regulation Modules, including a provision requiring an owner or occupier to maintain a lot in the scheme;
- a notice given under another State Government or Commonwealth Act;
- the community management statement for the scheme, including the by-laws;
- an adjudicator's order; or
- the order of a court.

An adjudicator has held that a body corporate cannot simply decide to undertake work on an owner's lot. Firstly, it is up to the lot owner to undertake that work. However, if the owner refuses, or does not undertake the work within a reasonable time, or the work undertaken is defective, the body corporate may then have a right of involvement (**La Pacifique Port Douglas - Order. 0425-2002**).