

SUPPLEMENT to the Solomon Islands GazetteWednesday 26th June, 2019

S.I. No.46

[Legal Notice No. 59]

STRATA TITLES REGULATIONS 2019**Table of provisions**

1	Citation	1
2	Commencement	1
3	Definitions	1
4	Modification of strata scheme document	1
5	Planning and Development Board certificate	2
6	Obligation of owner of lot to keep contact information up-to-date	2
7	Strata scheme by-laws	2
8	Strata scheme manager	3
9	Resolutions authorising expenditure	3
10	Maximum fee for provision of copy of strata scheme document	4
11	Information to be provided by strata scheme corporation	4
12	Accounts of trust money	5
13	Receipts for trust money	7
14	Payments of trust money	9
	Schedule 1 — Model by-laws for residential strata schemes	10
	Strata Scheme Corporation No. [X] By-laws [year]	10
	Part 1 — Preliminary matters	10
1	Citation	10
2	Commencement	10
3	Definitions	11
4	Prior approval of strata scheme corporation	11
5	Inconsistency with exclusive use by-laws	11
6	Owner and occupier responsible for tenants and visitors	12

Part 2 — By-laws binding owners, occupiers and visitors 12

7	Driving or parking of motor vehicles on common property	12
8	Damage to lawns and plants on common property	12
9	Obstruction of common property	12
10	Children under 14 on common property	13
11	Noise	13
12	Behaviour	13
13	Smoke penetration	14
14	Hanging out of washing	14
15	Disposal of waste	15
16	Storage	15

Part 3 — By-laws binding owners and occupiers 15

17	Structures or devices on common property for security and screening purposes	15
18	Keeping of animals	16
19	Preservation of fire safety	17
20	Storage of flammable liquids and other substances and materials	18
21	Appearance of lot	18
22	Cleaning windows and doors	18
23	Disposal of waste where bins are not shared by lots	18
24	Change in use or occupation of lot to be notified	19
25	Compliance with planning and other requirements	19
26	Provision of up-to-date information	20
27	Building maintenance responsibilities	20

Schedule 2 — Forms 26

1	Penalty notice – section 54(1)(c) of the Act	26
2	Notice if whereabouts of certain persons unknown – section 115(2)(a) of the Act	26

Schedule 3 — Fees 27

STRATA TITLES REGULATIONS 2019

In exercise of the powers conferred by section 116 of the Strata Titles Act 2018, the Minister for Lands, Housing & Survey makes the following Regulations:

1 Citation

These Regulations may be cited as the *Strata Titles Regulations 2019*.

2 Commencement

These Regulations commence on the day on which the *Strata Titles Act 2018* commences.

3 Definitions

In these Regulations:

“**Act**” means the Strata Titles Act 2018.

4 Modification of strata scheme document

- (1) If, under the Act, the Commissioner of Lands, Surveyor-General, Valuer General or Planning and Development Board requires a strata scheme document to be modified:
 - (a) the modification must be made by, or with the authority of, the person who prepared and certified the original document as required by the Act; and
 - (b) that person must sign and date each modification or each sheet or page of the document that is subject to modification.
- (2) However, the Commissioner of Lands, Surveyor-General, Valuer General or Planning and Development Board may exempt a person from compliance with subregulation (1) if the original certifier has died or there are reasonable grounds to be so in the circumstances

5 Planning and Development Board certificate

- (1) A Planning and Development Board must keep a register containing a copy of each certificate it issues under section 26 of the Act, together with any reports or documents relied on for the issue of the certificate.
- (2) The register must be kept available for inspection by members of the public, without charge and during normal office hours, at the principal office of the Planning and Development Board.
- (3) A Planning and Development Board may charge a reasonable fee for a copy of a document kept in the register, subject to a maximum fee of \$5 per page.

6 Obligation of owner of lot to keep contact information up-to-date

- (1) As soon as reasonably practicable after a person purchases a lot, that person must notify the strata scheme corporation of the person's contact address, telephone number and email address.
- (2) The owner of a lot must notify the strata scheme corporation as soon as reasonably practicable of any change in the owner's contact address, telephone number or email address.

7 Strata scheme by-laws

- (1) An application for registration of an amendment of strata scheme by-laws cannot be made later than 6 months after the passing of the special resolution in favour of the amendment unless:
 - (a) the application is being-made as a consequence of an application (made within that 6 months) to compel the strata scheme corporation to make the application for registration; or
 - (b) a further special resolution of the strata scheme corporation has been passed within the immediately preceding 6 months confirming the amendment.

- (2) Under section 96 of the Act, an amendment of strata scheme by-laws comes into operation on the day it is filed in the strata parcel file for the strata scheme under the *Land and Titles Act* (Cap.133) following an application for registration of the amendment or on a later date specified in the by-laws.
- (3) For the purposes of section 53(3) of the Act, strata scheme by-laws may regulate the activities and conduct of visitors to the strata scheme, including persons who drive or park a vehicle on the strata parcel.

8 Strata scheme manager

- (1) For the purposes of section 80(1)(b) of the Act, a policy of professional indemnity insurance maintained by a strata scheme manager must provide an indemnity of at least \$1.5 million per claim during a period of 12 months.
- (2) For the purposes of section 80(4) of the Act, a strata scheme manager must ensure the availability of a copy of a pamphlet that sets out the role of the strata scheme manager and the rights of the strata scheme corporation and its members, including:
 - (a) the right to inspect records held by the manager; and
 - (b) the right to revoke the delegation of a particular function of the manager; and
 - (c) the right to be informed of any payment that the manager receives from another trader for placing the corporation's business; and
 - (d) the right to terminate the contract; and
 - (e) the right to apply to a court for resolution of a dispute.
- (3) For the purposes of section 84(4)(b) of the Act, the maximum fee that may be charged for providing a copy of records is \$5 per page.

9 Resolution authorising expenditure

For the purposes of Schedule 1 clause 10 of the Act, expenditure by a strata scheme corporation must be authorised as follows:

- (a) expenditure of less than an amount that is equivalent to \$2,000 multiplied by the number of strata lots in the scheme must be authorised by an ordinary resolution of the strata scheme corporation;
- (b) expenditure of the amount referred to in paragraph (a) or more but less than an amount that is equivalent to \$10,000 multiplied by the number of strata lots in the scheme must be authorised by a special resolution;
- (c) expenditure of the larger of the 2 amounts referred to in paragraph (b) or more must be authorised by a unanimous resolution.

10 Maximum fee for provision of copy of strata scheme document

For the purposes of Schedule 1 clause 27(2) of the Act, the maximum fee that may be charged for providing a copy of a strata scheme document is \$5 per page.

11 Information to be provided by strata scheme corporation

- (1) An application under Schedule 1 clause 30 of the Act must be in writing.
- (2) For the purposes of Schedule 1 clause 30(1)(a)(iv) of the Act, the statement provided by a strata scheme corporation under the clause must include the following particulars:
 - (a) for contributions payable by the member or in relation to the lot:
 - (i) the proportion or amount of contributions payable to the administrative fund and the proportion or amount of contributions payable to the sinking fund; and
 - (ii) the period for which the contributions are payable; and

- (iii) the date on which the strata scheme corporation fixed the amount it requires by way of contributions for that period;
 - (b) particulars of any outstanding amount (other than arrears of contributions required to be included under section 30(1)(a)(i) of the Act) payable to the strata scheme corporation by the member or in relation to the lot, including:
 - (i) any penalty imposed under section 54 of the Act for contravention of a by-law; and
 - (ii) any amount for work carried out by the strata scheme corporation;
 - (c) particulars of the amount and rate of interest payable in relation to unpaid contributions or other outstanding amounts;
 - (d) the name and address of each member of the management committee of the strata scheme corporation and of any strata scheme manager for the scheme.
- (3) For the purposes of schedule 1 clause 30(5)(b) of the Act:
- (a) if the applicant is the owner of a strata lot:
 - (i) no fee may be charged for a statement under clause 30(1)(a) or for inspection of documents under clause 30(1)(c), (d) or (e); and
 - (ii) the maximum fee that may be charged for copies of material under clause 30(1)(b) is \$5 per page; and
 - (b) in any other case:
 - (i) the maximum fee that may be charged for a statement under clause 30(1)(a) is \$50; and

- (ii) the maximum fee that may be charged for copies of material under clause 30(1)(b) is \$5 per page; and
- (iii) the maximum fee that may be charged for an application for inspection of documents under clause 30(1)(c), (d) or (e) is \$10.

12 Accounts of trust money

- (1) For the purposes of Schedule 4 clause 5(1)(b)(iii) of the Act, the detailed accounts of receipts and disbursements of trust money to be compiled by a strata scheme manager must include a separate trust ledger account for each strata scheme corporation with which the strata scheme manager has a contract.
- (2) The strata scheme manager must record in each of the separate accounts the following details:
 - (a) the name and address of the strata scheme corporation to whom the accounts relate;
 - (b) for each receipt or disbursement of trust money:
 - (i) the date and reference number of the receipt or disbursement;
 - (ii) the name of the person from whom the money is received or to whom the money is disbursed;
 - (iii) brief particulars of the purpose of the receipt or disbursement;
 - (v) the amount received or disbursed.
- (3) The records of receipts and disbursements must be made by the strata scheme manager in accordance with this regulation in the order in which the receipts and disbursements are received or made, each such record being made within 2 working days after the receipt or disbursement in question.

- (4) Subregulation (3) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 working days after the strata scheme manager receives official confirmation that the transfer has occurred.
- (5) A strata scheme manager must ensure that:
 - (a) a computer program used to keep a trust ledger account is incapable of:
 - (i) recording a transaction that would result in a debit balance in a trust ledger account unless a separate contemporaneous record of the transaction is also made so that, at any time, a hard copy may be produced of all such transactions in chronological order; and
 - (ii) deleting from its records the information relating to a trust ledger account unless:
 - (A) the balance of the accounts is zero; and
 - (B) a hard copy of all of the information required under this regulation relating to the account has been produced; and
 - (iii) changing existing information relating to a transaction otherwise than by making a further entry showing a separate transaction to effect the change; and
 - (b) the program automatically inserts consecutive page numbers into any hard copy report produced by use of the program; and
 - (c) the program requires input in each field of a data entry screen intended to receive information for the purposes of a trust ledger account so that the entry contains all of the information required by this regulation; and

- (d) hard copies of the trust ledger accounts are produced within 2 days of a request from the Commissioner of Lands, Registrar or the manager's auditor.
- (6) For the purposes of Schedule 4 clause 5(1)(b)(iii) of the Act, the detailed accounts of receipt and disbursements of trust money to be compiled by a strata scheme manager must include, at the end of each month, reconciliation statements:
- (a) reconciling the balance of the cash books, or equivalent computer records, with the balance of the manager's trust account; and
 - (b) reconciling the balances of the ledgers comprised in the manager's trust ledger accounts with the balance of the manager's trust account,

(but the manager is not required to set out in a statement a list of individual balances, or the names of the strata scheme corporations on whose behalf money is held).

13 Receipts for trust money

- (1) For the purposes of Schedule 4 clause 6(1)(a) of the Act, the receipt that a strata scheme manager must make available to a person making a payment of trust money must:
- (a) be legibly written on a form comprised in a series of consecutively pre-numbered duplicate receipt forms marked with the name of the strata scheme manager and the words "Trust Account", and
 - (b) contain the following information:
 - (i) the date of the payment or, if the payment is made by electronic transfer of funds, the date on which the receipt is made out;
 - (ii) whether the payment is by cash, cheque, bank cheque or electronic transfer of funds into the trust account and, if the payment is by cheque or bank cheque, the name of the drawer of the cheque;

- (iii) the name of the strata scheme corporation for whom the money is received;
 - (iv) brief particulars of the purpose of the payment;
 - (v) the amount of the payment.
- (2) A strata scheme manager need not comply with subregulation (1)(a) if the strata scheme manager uses a computer program to make out the receipt and the program:
- (a) automatically produces in chronological sequence consecutively numbered receipts marked with the name of the manager and the words “Trust Account”; and
 - (b) automatically makes a separate contemporaneous record of the receipt so that, at any time, a hard copy of the receipt may be produced; and
 - (c) requires input in each field of a data entry screen intended to receive information for the purposes of producing the receipt so that each receipt contains all of the information required by subregulation (1)(b).
- (3) A strata scheme manager must make out a receipt in accordance with this regulation:
- (a) in the case of a payment made by electronic transfer of funds into a trust account—immediately the manager receives official confirmation that the payment has been made (whether that is by way of receipt by the manager of a statement from a financial institution or some other way, whichever occurs sooner); or
 - (b) in any other case—immediately on receipt of payment.

14 Payments of trust money

- (1) For the purposes of Schedule 4 clause 7(b) of the Act, a payment of trust money must be made in a manner that complies with this regulation and records of the payment must be made as required by this regulation.
- (2) When a strata scheme manager makes a payment of trust money by cheque, the manager:
 - (a) must ensure that the cheque is marked with the name of the manager and the words “Trust Account”; and
 - (b) must:
 - (i) cause the cheque to be crossed and endorsed “Not negotiable”; or
 - (ii) obtain from the person receiving the cheque a receipt that complies with subregulation (4) and keep the receipt as part of the manager’s records.
- (3) When a strata scheme manager makes a payment of trust money by cheque, the manager must prepare and keep as part of the manager’s records a cheque stub or voucher containing the following information:
 - (a) the date and reference number of the cheque;
 - (b) the name of the payee;
 - (c) the client name or reference and brief particulars of the purpose of the payment;
 - (d) the amount of the cheque.

- (4) The receipt must be legible and contain the following information:
 - (a) the date and reference number of the cheque;
 - (b) particulars identifying the trust account against which the cheque is drawn;
 - (c) the name of the payee;
 - (d) brief particulars of the purpose of the payment;
 - (e) the amount of the cheque.
- (5) When a strata scheme manager authorises the payment of trust money by electronic transfer of funds, the manager must, on receiving official written confirmation that the payment has been made, keep that confirmation as part of the manager's records.

Schedule 1 — Model by-laws for residential strata schemes

Pursuant to section 52 of the Act, the following are model strata scheme by-laws that may be adopted by a strata scheme corporation in whole or in part for a strata scheme established for residential purposes.

Strata Scheme Corporation No. [X] By-laws [year]

Part 1 — Preliminary matters

1 Citation

These by-laws may be cited as the *Strata Scheme Corporation No. [X] By-laws [year]*.

2 Commencement

These By-laws come into operation when filed in the strata parcel file for the strata scheme under the *Land and Titles Act* (Cap. 133).

Note — Strata scheme by-laws (including adopted model by-laws) must be lodged with an application for division of a strata parcel by a strata scheme under Part 2 Division 3 of the Act or passed by special resolution of the strata scheme corporation and lodged with an application for amendment of the strata scheme under Part 5 Division 1 of the Act.

3 Definitions

- (1) In these By-laws:

“Act” means the Strata Titles Act 2018;

“prior approval” — see by-law 4;

washing includes any clothing, towel, bedding or other article of a similar type;

waste includes garbage and recyclable material.

- (2) Terms used in these By-laws have the same meanings as in the Act.

Note — Under section 62 of the Act:

- (a) sections 31, 35, 48 to 51, 60, 61(1), 62 and 66(1) of the *Interpretation and General Provisions Act* (Cap.85) do not apply to strata scheme by-laws; and
- (b) strata scheme by-laws are not written laws for the purposes of the *Interpretation and General Provisions Act* (Cap.85).

4 Prior approval of strata scheme corporation

- (1) The strata scheme corporation may give its approval for the purposes of these By-laws by way of entering into a contract, granting a lease or licence or issuing a written instrument.
- (2) The approval may be subject to conditions set out in the instrument of approval.

5 Inconsistency with exclusive use by-laws

If there is an inconsistency between a by-law made under section 57 of the Act (that is, a by-law providing for exclusive use of part of common property) and any other by-law, the by-law made under section 57 of the Act prevails.

6 Owner and occupier responsible for tenants and visitors

An owner or occupier of a lot must take all reasonable steps to ensure that tenants and visitors of the owner or occupier comply with these By-laws.

Part 2 — By-laws binding owners, occupiers and visitors**7 Driving or parking of motor vehicles on common property**

A person must not drive, park or stand a motor vehicle on common property except:

- (a) in an area set aside for that purpose and in accordance with any signs erected, or markings made, under the authority of the strata scheme corporation; or
- (b) with the prior approval of the strata scheme corporation.

8 Damage to lawns and plants on common property

A person must not, except with the prior approval of the strata scheme corporation:

- (a) damage a lawn, garden, tree, shrub, plant or flower being part of or situated on common property; or
- (b) use for the person's own purposes as a garden any portion of the common property.

9 Obstruction of common property

A person must not obstruct lawful use of common property by another except:

- (a) on a temporary basis in the course of the person's own lawful use of common property; or
- (b) with the prior approval of the strata scheme corporation.

10 Children under 14 on common property

A person who is responsible for a child under 14 years of age while the child is on common property must take all reasonable steps to prevent the child from being in or on or using the following, other than while under appropriate adult supervision:

- (a) a laundry;
- (b) a swimming pool or other area designated for swimming;
- (c) a car parking area;
- (d) an area for plant or equipment or storage of hazardous substances;
- (e) any other area of apparent danger for children.

11 Noise

A person must not create noise on a lot or the common property that:

- (a) causes a nuisance; or
- (b) interferes unreasonably with the use or enjoyment of another lot or the common property by another person who is lawfully on the lot or common property.

12 Behaviour

A person:

- (a) must, while on common property, be adequately clothed; and
- (b) must not, while on a lot or common property, use language or behave in a manner likely to cause offence or embarrassment to another person who is lawfully on another lot or common property.

13 **Smoke penetration**

Note — Select option A or B. If no option is selected, option A will apply.

Option A

- (1) A person must not, while on common property, chew betel nut or smoke tobacco or any other substance.
- (2) A person must ensure that smoke caused by the smoking of tobacco or any other substance by the person on the lot does not penetrate to the common property or any other lot.

Option B

- (1) A person must not, while on common property, chew betel nut or smoke tobacco or any other substance except:
 - (a) in an area designated for that purpose by signs erected, or markings made, under the authority of the strata scheme corporation; or
 - (b) with the prior approval of the strata scheme corporation.
- (2) A person who is permitted under this by-law to smoke tobacco or any other substance on common property must ensure that the smoke does not penetrate to any lot.
- (3) A person must ensure that smoke caused by the smoking of tobacco or any other substance by the person on a lot does not penetrate to the common property or any other lot.

14 **Hanging out of washing**

- (1) A person must not hang out washing:
 - (a) over balcony railings; or
 - (b) on common property except on lines erected for that purpose under the authority of the strata scheme corporation.
- (2) A person who is responsible for washing hung out on common property must not allow it to remain hung out for longer than is reasonably necessary.

15 Disposal of waste

- (1) A person must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except under the authority of the strata scheme corporation.
- (2) A person must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, an item that is not appropriate for such disposal (for example, a disposable nappy or wet wipe).
- (3) A person must comply with:
 - (a) all reasonable directions given by the strata scheme corporation as to the disposal and storage of waste (including the cleaning up of spilled waste) on common property; and
 - (b) the local council's guidelines for the storage, handling, collection and disposal of waste.
- (4) The strata scheme corporation may give directions for the purposes of this by-law by posting signs on the common property with instructions on the handling of waste that are consistent with the local council's requirements or giving notices in writing to owners or occupiers of lots.

16 Storage

A person must not store or abandon anything on common property except with the prior approval of the strata scheme corporation.

Part 3 — By-laws binding owners and occupiers**17 Structures or devices on common property for security and screening purposes**

- (1) An owner of a lot, or an occupier of the lot acting with the authority of the owner of the lot, may install a structure or device on common property abutting the boundary of the lot to:
 - (a) lock or secure the lot against intruders or improve safety within the lot; or

- (b) screen or otherwise prevent entry to the lot by animals or insects; or
 - (c) prevent or minimise the risk of harm to children entering or on the lot.
- (2) It is not necessary to obtain the prior approval of the strata scheme corporation to install a structure or device under sub-by-law (1).
- (3) A structure or device installed under sub-by-law (1):
- (a) must be installed in a competent and proper manner; and
 - (b) must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building or boundary structure; and
 - (c) must not affect the operation of fire safety devices, or reduce the level of safety, in the lot, any other lot or the common property.
- (4) The owner of a lot must:
- (a) maintain and keep in a state of good and serviceable repair a structure or device installed under sub-by-law (1); and
 - (b) repair any damage caused to common property by the installation or removal of a structure or device installed under sub-by-law (1).

18 Keeping of animals

Note — Select option A or B. If no option is selected, option A will apply.

Option A

- (1) An owner of a lot, or an occupier of the lot acting with the authority of the owner of the lot, may keep an animal on the lot, if the owner or occupier gives the strata scheme corporation written notice that it is being kept on the lot.

- (2) The notice must be given not later than 14 days after the animal commences to be kept on the lot.
- (3) If an owner or occupier of a lot keeps an animal on the lot under sub-by-law (1), the owner or occupier:
 - (a) must keep the animal within the lot; and
 - (b) must supervise the animal when it is on the common property; and
 - (c) must regularly collect and dispose appropriately of the excrement of the animal; and.
 - (d) is responsible for any damage caused by the animal to the common property.

Option B

- (1) An owner or occupier of a lot must not keep an animal on the lot or the common property except with prior approval of the strata scheme corporation.
- (2) The strata scheme corporation must not unreasonably withhold its approval of the keeping of an animal on a lot and must give an owner or occupier written reasons for any refusal to grant approval.
- (3) If an owner or occupier of a lot keeps an animal on the lot, the owner or occupier.
 - (a) must keep the animal within the lot; and
 - (b) must supervise the animal when it is on the common property; and
 - (c) must regularly collect and dispose appropriately of the excrement of the animal; and.
 - (d) is responsible for any damage caused by the animal to the common property.

19 Preservation of fire safety

The owner or occupier of a lot must not do anything or permit another to do anything on the lot or common property that is likely to affect the operation of fire safety devices, or otherwise reduce the level of fire safety, in the lots or common property.

20 Storage of flammable liquids and other substances and materials

- (1) An owner or occupier of a lot must not, except with prior approval of the strata scheme corporation, use or store on the lot any flammable chemical, liquid or gas or other flammable material.
- (2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

21 Appearance of lot

- (1) The owner or occupier of a lot must not, except with prior approval of the strata scheme corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.
- (2) This by-law does not apply to washing that is hung out in accordance with by-law 14.

22 Cleaning windows and doors

- (1) Except in the circumstances referred to in sub-by-law (2), an owner or occupier of a lot is responsible for regularly cleaning all interior and exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as is common property.
- (2) The strata scheme corporation is responsible for regularly cleaning all exterior surfaces of glass in windows and doors that cannot be accessed by the owner or occupier of the lot safely or at all.

23 Disposal of waste where bins are not shared by lots

- (1) If waste disposal does not rely on bins that are to be shared by lot owners and occupiers, the owner or occupier of a lot:
 - (a) must maintain bins for waste within the lot, or on any part of the common property set aside for that purpose, in clean and dry condition and appropriately covered; and
 - (b) must not place anything in the bins of the owner or occupier of any other lot except with the permission of that owner or occupier; and
 - (c) must place the bins within an area designated for collection by the strata scheme corporation not more than 12 hours before the time at which waste is normally collected and, when the waste has been collected, must promptly return the bins to the lot or other area set aside for the bins; and
 - (d) must notify the strata scheme corporation or local council of any loss of, or damage to, bins provided by the strata scheme corporation or local council for waste.
- (2) In this by-law:

bin includes any receptacle for waste.

24 Change in use or occupation of lot to be notified

- (1) The owner or occupier of a lot must notify the strata scheme corporation if the existing use of the lot is changed by the owner or occupier.
- (2) Without limiting sub-by-law (1), the following changes of use must be notified:
 - (a) a change that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes);
 - (b) a change to the use of a lot for short-term or holiday letting.
- (3) The notice must be given in writing at least 21 days before the change occurs or a lease or sublease commences.

25 Compliance with planning and other requirements

- (1) The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.
- (2) The owner or occupier of a lot must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

26 Provision of up-to-date information

The owner or occupier of a lot must comply with any reasonable request for information made by the strata scheme corporation in order to ensure that the information it is required to hold or provide about the owner, occupier or lot is up-to-date.

27 Building maintenance responsibilities

- (1) The strata scheme corporation is responsible for the maintenance, repair and replacement of items as set out in the table in this by-law.
- (2) The owner of a lot is responsible for the maintenance, repair and replacement of the following items insofar as they relate to the lot:
 - (a) items that are additional or alternative to the original items for which the strata scheme corporation is responsible and that have been installed or erected by an owner of the lot;
 - (b) items set out in the table as examples of items for which lot owners are responsible;
 - (c) all other items not listed in the table as a responsibility of either the strata scheme corporation or lot owners.
- (3) In the table in this by-law:

Common property wall, floor or ceiling means a wall, floor or ceiling any part of which is common property;

internal wall means a wall within a lot that is not a common property wall;

original, in relation to an item, means the item as in place on registration of the strata scheme or as subsequently replaced by the strata scheme corporation.

	Responsibilities of strata scheme corporation	Examples of responsibilities of lot owners
Balconies and courtyards		
Columns and railings		
Doors and windows, including original locks and furniture.		Locks and furniture installed by lot owners.
Walls		
Balcony ceilings (including painting)		
Fencing or other structures on a boundary of the strata parcel that adjoins neighbouring land.		
Original security screen doors and original locks and furniture.		Security screen doors installed by lot owners
Original tiles and associated waterproofing.		Tiles and associated waterproofing installed by lot owners
Awnings on or over common property outside the cubic space of the balcony or courtyard		Awnings, decks, pergolas, privacy screens, louvres, retaining walls, planter walls, steps or other structures within the cubic space of the balcony or courtyard.
That part of a tree on or over common property.		That part of a tree within the cubic space of the lot.
Ceilings and rooves		
Roofing and waterproof membranes.		
Guttering and downpipes.		
Ceilings, including original false ceilings (other than painting).		Painting of ceilings. False ceilings installed by lot owners
Electrical		
Smoke detectors whether connected to the fire board, and original unwired smoke detectors.		Unwired smoke detectors installed by lot owners.
Air conditioning systems serving more than one lot.		Air conditioning systems, whether inside or outside of the lot, serving only the lot.

	Original automatic garage door or gate opener.	Remote controller for original automatic garage door or gate. Automatic garage door or gate openers installed by lot owners.
	Fuses and fuse board on common property.	Fuses and fuse boards within the lot and serving only the lot.
	Intercom handsets and associated wiring serving more than one lot.	Intercom handsets serving only the lot and associated wiring located within non-common walls.
	Electrical wiring serving more than one lot.	Electrical wiring in internal walls and serving only the lot.
	Light fittings serving more than one lot.	Light fittings and light switches within the lot and serving only the lot.
	Power point sockets serving more than one lot.	Power point sockets within the lot and serving only the lot.
	Telephone, television, internet and cable wiring within common property walls.	Telephone, television, internet and cable wiring in internal walls and serving only the lot.
	Television aerial, satellite dish, or cable or internet wiring serving more than one lot, regardless of whether it is contained within a lot or on common property.	Telephone, television, internet and cable service are connection sockets serving only the lot.
	Lifts and lift operating systems serving more than one lot.	Lifts and lift operating systems within the lot and serving only the lot.
		In-sink food waste disposal systems and in-sink water filtration systems.
Entrance doors		
	Entrance door to lot, including original locks and furniture.	
	Original security screen door to lot, including original locks and furniture.	Screen door, locks and furniture installed by lot owners.
		Keys, security cards and access passes.
Floors		
	The slab dividing two storeys of the same lot, or one storey from an open space roof area, eg in a townhouse or villa.	
	Original mezzanines and stairs within lots, if shown as a separate level in the strata scheme plan.	Mezzanines and stairs installed by lot owners.

	Original floor tiles and associated waterproofing affixed to common property floors.	Floor tiles and associated waterproofing installed by lot owners.
	Original sound proofing floor base (eg magnesite).	Sound proofing floor base installed by lot owners
	Original floorboards or parquetry flooring affixed to common property floors.	Sealing or staining on surface of original floorboards or parquetry flooring. Floorboards or parquetry flooring installed by lot owners.
		Internal carpeting and floor coverings, including unfixed floating floors.
Parking and garages		
	Carpots and garages that are not within the cubic space of a lot	Carpots and garages that are within the cubic space of a lot.
	Automatic garage door opener (motor and device) serving more than one lot.	Garage door remote controller.
	Garage doors, hinge mechanism and lock if shown by a thick line on the strata scheme plan or if outside the cubic space of a lot. Mesh between parking spaces if shown by a thick line on the strata scheme plan.	Garage doors, hinge mechanism and lock if the lot boundary is shown as a thin line on the strata scheme plan and the door is inside the lot boundary. Other mesh between parking spaces (eg shown as a thin line, do the line or no line on the strata scheme plan).
		Light fittings inside the lot for a light used exclusively for the lot.
Plumbing		
	Floor drain or sewer in common property.	
	Main stopcock to lot.	
	Stormwater and on-site retention systems within common property.	
	Pipes on common property or within common property walls, floors or ceilings.	Pipes, downstream of any stopcock, only serving that lot and not within any common property wall. Pipes and 'S' bend beneath sink, laundry tub or hand basin.

		<p>Sink, laundry tub and hand basin, Toilet bow and cistern. Baths. Shower screen. Bathroom cabinet and mirror Taps and any associated hardware.</p>
Windows		
	Windows and skylights in common property walls or rooves, including window furniture, sash cords and window seals and original insect screens and original windows locks.	Insect screens and window locks installed by lot owners.
		Window lock keys.
Other	<p>Swimming pool and associated equipment comprising common property. Gym equipment comprising common property. Exhaust fans outside the lot. Common property walls and structural walls inside lots. Doors (including original door furniture) in common property walls.</p>	<p>Internal walls, excluding structural walls. Doors (including door furniture) in internal walls. Door furniture installed by lot owners.</p>
	Skirting boards, architraves and cornices on common property walls (other than painting).	Painting of skirting boards, architraves and cornices on walls inside the boundary of lot. Skirting boards and architraves on internal walls in the lot.
	<p>Tiles and associated waterproofing affixed to common property walls. Ducting cover of structure covering a service that serves more than one lot or the common property.</p>	<p>Tiles and associated waterproofing affixed to internal walls. Ducting cover or structure covering a service that serves only the lot.</p>
	Ducting for the purposes of carrying pipes servicing more than one lot.	Ducting for the purposes of carrying pipes that service only the lot.

	Hot water service servicing more than one lot.	Hote water service that services only the lot (whether inside or outside of the cubic space of that lot).
	Letterboxes within common properly.	Letterbox within the lot.
		Paint work inside the lot (including ceiling and entrance door). Built-in wardrobes, cupboards, shelving. Dishwasher. Stove. Washing machine and clothes dryer. Pavers installed within the lot's boundaries.

Schedule 2 — Forms

The following forms are prescribed under the Act:

1 **Penalty notice — section 54(1)(c) of the Act**

Penalty notice

To [insert name and lot number (if relevant) of the person to whom notice is given]

The *[insert name of the strata scheme corporation giving notice]* gives you notice that you have contravened or failed to comply with *[specify the by-law that has been contravened or not complied with]* by *[set out the details of the contravention or non-compliance]*.

The penalty of *[specify the amount of the penalty]* is payable to the strata scheme corporation by you not later than *[specify the date for payment]*.

If you do not pay the penalty as required by this notice, the penalty is recoverable from you by the strata scheme corporation as a debt. If this notice is served on you as the owner of a strata lot, the penalty may be recovered by the strata scheme corporation under Schedule 1 clause 5 of the *Strata Titles Act 2018* as if it were a contribution (and interest will be payable on the penalty amount in the same way as if it were such a contribution).

Under section 54(1)(e) of the Act you are entitled to apply to the Magistrates Court for revocation of this notice. The application must be made within 60 days after service of this notice. If you make such an application, the penalty specified in this notice is not payable unless the application is withdrawn or otherwise discontinued by you, or is dismissed or refused by the Court (and, in such a case, the penalty will be payable on the date on which the application is so withdrawn, discontinued, dismissed or refused or on the date for payment specified in the notice, whichever occurs later).

2 **Notice if whereabouts of certain persons unknown — section 115(2)(a) of the Act**

Notice if whereabouts of certain persons unknown

To [insert name and last address known to the Registrar of each person to whom notice is given]

I/We, *[insert name and address of each person giving notice]*, give you notice that I/we intend to make/have made *[strike out whichever is not applicable]* an application under *[insert reference to provision of Act]* of the *Strata Titles Act 2018* *[insert description of subject matter of application]* in respect of the following land: *[insert description of land]*.

If you do not consent to the granting of the application, you must lodge a written objection with the Commissioner of Lands.

I/We are required by section 115(2) of the *Strata Titles Act 2018* to —

- (a) post this notice to you; and
- (b) publish a copy of this notice in a newspaper circulating generally throughout Solomon Islands; and
- (c) if the subject matter of the application involves an encroachment—leave a copy of this notice in a conspicuous place on or near the land over which the encroachment has occurred.

If 28 days have passed since I/we complied with paragraphs (a), (b) and (c) and you have not lodged an objection to the application with the Commissioner of Lands before the application is granted, the application may be granted without your consent. After consent has been granted it will be too late for you to lodge an objection.

Date:

Signed: *[signature of each person giving notice]*

Schedule 3 — Fees

The following fees must be paid under this Act:

1	Application to Commission of Lands for division of strata parcel by registration of strata scheme or amendment of strata scheme (section 18 of Act)	\$520 plus \$20 for each lot in the strata scheme over 2 lots
2	Application to Surveyor-General for approval to lodge strata scheme plan (section 21 of Act))	\$520 plus \$20 for each lot in the strata scheme over 2 lots
3	Application to Valuer General for approval to lodge statement of strata scheme lot values (section 22 of Act)	\$520 plus \$20 for each lot in the strata scheme over 2 lots
4	Application to Planning and Development Board for approval of strata scheme description (section 23 of Act)	\$500

5	Application to Planning and Development Board for certificate under section 26 of Act	\$1,500
6	Application to Registrar for registration of amendment of strata scheme not involving division of strata parcel (section 85 of Act)	\$200
7	Application to Valuer General for certificate under section 89 of Act.	\$500
8	Application to Valuer General for approval of termination statement (section 97 of Act)	\$520 plus \$20 for each lot in the strata scheme over 2 lots
9	Application to Commissioner of Lands for termination of strata scheme (section 101 of Act)	\$520 plus \$20 for each lot in the strata scheme over 2 lots
10	Application to Planning and Development Board for certificate under section 102 of Act.	\$1,000

MADE IN HONIARA this nineteenth day of June, 2019.

HON. WILLIAM BRADFORD MARAU
MINISTER FOR LANDS, HOUSING & SURVEY