Is Consent Required for the Installation of Timber Floors?

Did you know that lot owners may be permitted to install floating timber floors in their lot without any approval from the owners corporation?

It is commonly thought that an owner requires authorisation to install floating timber floors under section 110 of the Strata Schemes Management Act 2015 ("**SSMA**"), by virtue of the fact that "*installing or replacing wood or other hard floors*" is listed as a minor renovation in section 110(3)(a) of the SSMA.

However, this only applies if the particular installation of floating timber floors is considered to be works "*to common property*" pursuant to section 110(1) of the SSMA as extracted below:

> ***110 Minor renovations by owners***
>
> *(1) The owner of a lot in a strata scheme may carry out work for the purposes of minor renovations* ***to common property*** *in connection with the owner's lot with the approval of the owners corporation given by resolution at a general meeting. A special resolution authorising the work is not required.*

A lot owner could argue that they are simply installing floating timber floors in a way that does not affect common property in any way and as such the works are not works "*to common property*".

If they can successfully argue this, section 110 shall not apply to the installation of the floors, meaning that no approval would be required from the owners corporation for the works. This essentially means that the lot owners could simply install the floors and there is nothing that the owners corporation could do to stop them, apart from seeking urgent interim orders.

The lot owner would be required to comply with the schemes by-laws regarding noise transmission between lots and also treat floors to reduce noise transmission. Although, from the perspective of the owners corporation, it would be better off if it was involved in the approval process to ensure that the lot owner was using sufficient acoustic underlay to reduce sound transmission between lots and potential litigation.

If an owners corporation does not want lot owners installing floating floorboards without first being required to obtain consent, the owners corporation could make a by-law setting out the requirements and required consent that a lot owner needs in order to install hard flooring in their lot.

Should you require advice on this issue or the drafting of a by-law to prohibit hard surface flowing, we can assist.

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Key takeaways

- Lot owners may install floating timber floors without approval if it does not affect common property.
- Section 110 of the Strata Schemes Management Act 2015 outlines the conditions for minor renovations.
- Owners corporations can create by-laws to require consent for hard flooring installations.
- Compliance with by-laws regarding noise transmission is still required for lot owners.
- Owners corporations may seek urgent interim orders to prevent unapproved installations.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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