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Update Summary

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STRATA TITLES

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Strata Titles NSW

Update Summary

David Knoll has provided the following updated annotations.

Strata Schemes Management Act 2015

Added new commentary on whether an owners corporation can be required to disgorge moneys recovered under s 8, with reference to *Atidote Pty Ltd (t/as Harcourts, the Property People Sydney) v Najjar* [2024] NSWSC 206 concerning an owners corporation which had successfully recovered some outstanding levy contributions by way of a garnishee order. See [SSMA.86.40].

Updated commentary regarding the duty of the owners corporation to maintain and repair, with added reference to cases *Seiwa Pty Ltd v Owners Strata Plan 35042* [2006] NSWSC 1157 and *Brotherhood of St Laurence v Sarina Investments Pty Ltd* [2024] VSCA 46. See [SSMA.106.20].

Commentary on the limitation period under subsec 106(6) has been updated with reference to cases *Owners SP 54026 v Kastri Aev Pty Ltd* [2024] NSWCATAP 119 and *Owners of Strata Plan No 30691 v Pickard* [2024] NSWCATAP 126. and See [SSMA.106.70].

Added reference to *Owners of Strata Plan No 2661 v Selkirk* [2024] NSWSC 760 in the commentary concerning the Tribunal's jurisdiction to award damages for breach of statutory duty. See [SSMA.106.70B].

Added new commentary in relation to orders by the Tribunal under s 127. See [SSMA.110.30].

Updated commentary regarding orders relating to cosmetic work or minor renovations, with reference to *Windsor v The Owners of Strata Plan No 20807* [2024] NSWCATCD (24 April 2024) in which the Tribunal ruled that the power to make an order extends to work already performed. See [SSMA.127.10].

Added new commentary regarding the broad scope of injunctive relief available, with reference to case *Grandhi v The Owners – Strata Plan No 78122* [2024] NSWCATCD (11 June 2024). See [SSMA.241.10].