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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

In *Owners of Strata Plan No 2227 v Navhand Pty Ltd* [2023] NSWDC 568, his Honour Judge Russell SC decided that failure to prove service of notice of a meeting does not invalidate resolutions passed at that meeting. Further reference made to *Owners of Strata Plan 11245 v Qasim* [2024] NSWDC 468. See [SSMA.83.60].

Owners of Strata Plan 11245 v Qasim [2024] NSWDC 468 at [35]-[36] is authority that it is important that notices and any statement of claim include and plead every notice in respect of which recovery is sought. See [SSMA.86.10].

Updated commentary regarding the limitation period under subsection 106(6), with reference to cases *Hua Nan Trading Pty Ltd v Owners of Strata Plan No 32396* [2024] NSWCATAP 192 and *Dart v Owners of Strata Plan No 71849* [2024] NSWCATAP 145. See [SSMA.106.70].

Added commentary on the legal principles applicable to penalty proceedings under s 147 of the SSM Act which were comprehensively set out in *Owners of Strata Plan No 84716 v Purcell* [2023] NSWCATCD 9. Further reference is made to *Owners of Strata Plan No 92334 v Zheng* [2024] NSWCATCD 18 wherein the Tribunal summarised the matters to be considered when assessing penalty. See [SSMA.146-147.20].

Strata Schemes Development Act 2015

Added new annotation for section 105 concerning the effect of solvency, with reference to *Morelli v White Hills Pty Ltd* [2024] FCA 789 wherein Halley J accepted that under a Strata Management Statement liability to pay levies arises simply because the insolvent company development lot owner was the legal owner of the Lots. See [SSDA.105.40].

Guy Vinden has provided the following case notes:

Retirement Villages

- *Molloy v Stewards' Foundation of Christian Brethren* [2022] NSWCATCD 159
- *Molloy v Stewards' Foundation of Christian Brethren* [2022] NSWCATAP 394

See [12150] and [12151].