



**BELIZE**

**STRATA TITLES REGISTRATION ACT  
CHAPTER 196**

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**CHAPTER 196**

**STRATA TITLES REGISTRATION**

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CHAPTER 196

STRATA TITLES REGISTRATION

23 of 1990.  
S.I. 136 of 1993.

[1<sup>st</sup> January, 1994]

PART I

*Preliminary*

1. This Act may be cited as the Strata Titles Registration Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“administrator” means an administrator appointed under subsection (2) of section 9 of this Act;

“building” means the building or buildings shown in a strata plan;

“charge” includes a mortgage;

“common property” means, in relation to any strata plan, so much of the land to which such plan relates as is for the time being not included in any strata lot contained in such plan;

“Corporation” means, in relation to any registered strata plan, a body incorporated under the provisions of section 5 of this Act;

“court”, except as otherwise expressly provided, means the Supreme Court;

“Executive Committee” means the Executive Committee of a Corporation constituted under the First Schedule;

“Minister” means the Minister responsible for lands;

“parcel” includes land subdivided in accordance with a strata plan registered pursuant to section 10 of this Act;

“proprietor” means the proprietor for the time being of a strata lot;

“Registrar” and “registration” have the meanings ascribed to them in the Registered Land Act, Cap. 194;

“strata” has reference to titles to the ownership of not less than two self-contained units for residential or business purposes being either detached buildings or divisions or subdivisions of one or more buildings, which units may be divided horizontally or vertically from, and may have a common roof and common foundations with, one or more other such units and may share the use of service buildings and other facilities in common, the whole being located on a single parcel of land and under the management of a Corporation established under this Act;

“strata lot” means a self-contained unit comprised in a strata plan, and shown in that plan as a strata lot;

“strata plan” means a plan of the type referred to in section 4 of this Act;

“unanimous resolution” means a resolution unanimously passed at a duly convened meeting of a Corporation at which all persons entitled to exercise the power of voting conferred by or under this Act are present personally or by proxy at the time of the motion;

“unit entitlement” means, in relation to any strata lot, the number specified in accordance with section 4(1)(d) of this Act.

## PART II

### *Strata Lots and Corporations*

**3.**-(1) Land may be subdivided into strata lots in accordance with a strata plan which shall be registerable in the manner provided by or under this Act and prescribed under the Registered Land Act, Cap. 194.

(2) When a strata plan has been so registered, any strata lot included therein may devolve or be dealt with in the same manner and form as land under the operation of the Registered Land Act, Cap. 194.

Creation of strata  
lots.

(3) A strata plan shall, for the purposes of the Registered Land Act, Cap. 194, be deemed upon registration to be embodied in the register kept under that Act; and notwithstanding the provisions of that Act, the proprietor of each strata lot shall hold such strata lot and his share in the common property subject to,

- (a) any interests affecting such strata lot or such share; and
- (b) any amendments to strata lots or common property, notified, or shown, as the case may require, on the registered strata plan.

(4) Notwithstanding the provision of subsection (1) of this section, a strata plan may be lodged for registration, and acts preparatory to the registration thereof may be done in relation thereto, before the land comprised therein is brought under the operation of the Registered Land Act Cap. 194.

(5) The provisions of any enactment, other than this Act, relating to the subdivision of land for sale or for the purpose of building thereon shall, to such extent as may be prescribed by regulations under this Act, not apply to land comprised in a strata plan.

**4.-(1)** Every strata plan shall,

- (a) state the full reference of the parcel and be described as a strata plan;
- (b) delineate the boundaries of the parcel and the location of the building or buildings in relation thereto;
- (c) include such elevations, sections, plans, diagrams and other information as shall be sufficient to,
  - (i) illustrate the strata lots and distinguish each lot by a number;

Requirements of a strata plan.

- (ii) define the boundaries of each strata lot in the building or buildings by reference to floor, walls and ceilings; provided, however, that it shall not be necessary to show any bearings or dimensions of the strata lots; and
- (iii) specify the approximate floor area of each strata lot;
- (d) have endorsed upon it a schedule setting out the unit entitlement of each strata lot indicating as a whole number the proportion of the common property allocated to that strata lot;
- (e) have endorsed upon it the address at which documents may be served upon the Appeal Corporation;
- (f) contain such other particulars, and may be accompanied by such certificates and other documents, as may be prescribed.

(2) The reference of the parcel and the number of the strata lot shall together be a sufficient reference to a strata lot.

(3) The common boundary between any two strata lots or between a strata lot and common property shall, unless otherwise specified in the relevant strata plan, be the centre line of the floor, wall, or ceiling between such strata lots or between such strata lot and the common property, as the case may be.

(4) The unit entitlement of each strata lot shall, as respects the proprietor of such strata lot, determine,

- (a) the quantum of his share in the relevant Corporation; and
- (b) the proportion payable by him of contributions levied pursuant to section 6(2)(b) of this Act; and



- (c) the proportion of land tax and/or property tax payable by him, whether jointly or severally, pursuant to this Act.

**5.**-(1) The proprietor of all the strata lots contained in any strata plan shall, upon registration of the strata plan, become a body corporate (hereinafter referred to as “a Corporation”) under the name “The proprietors, Strata Plan No.\_\_\_\_” (with the appropriate number of the strata plan inserted in the blank space).

Establishment of a Corporation.

(2) Every Corporation shall have perpetual succession and a common seal and be capable of suing and being sued in its Corporate name.

(3) The provisions of any enactment providing for the incorporation, regulation and winding-up of companies shall not apply to Corporations.

**6.**-(1) The duties of a Corporation shall include the following,

Duties and powers of a Corporation.

- (a) to insure and keep insured the building to the replacement value thereof against fire, earthquake, hurricane and such other risks as may be prescribed, unless the proprietors by unanimous resolution otherwise determine;
- (b) to effect such insurance as it may be required by law to effect;
- (c) to insure against such risks other than those referred to elsewhere in this subsection as the proprietors may from time to time by unanimous resolution determine;
- (d) subject to the provisions of sections 17(2) and (3) of this Act and to such conditions as may be prescribed, to apply insurance moneys received by it in respect of damage to the building in rebuilding and reinstating the building so far as it may be lawful to do so;

- (e) to pay premiums on any policies of insurance effected by it;
- (f) to keep in a state of good and serviceable repair and properly maintain the common property;
- (g) to comply with notices or orders by any competent public or local authority requiring repairs to, or work to be done in respect of, the parcel;
- (h) to comply with any reasonable request for the names and addresses of the members of the Executive Committee.

(2) The powers of a Corporation shall include the following,

- (a) to establish a fund for administrative expenses sufficient in the opinion of such Corporation for the control, management and administration of the common property, for the payment of any premiums of insurance and for the discharge of any of its other obligations;
- (b) to determine from time to time the amounts to be raised for the fund referred to in paragraph (a) of this subsection and to raise amounts so determined by levying contributions on the proprietors in proportion to the unit entitlement of their respective lots;
- (c) to recover from any proprietor, by an action for debt in any court of competent jurisdiction, any sum of money expended by the Corporation for repairs to or work done by it or at its direction in complying with any notice or order by a competent public or local authority in respect of that portion of the building which constitutes or includes the strata lot of that proprietor;

- (d) to enter any strata lot and effect repairs or carry out work pursuant to its duty under paragraph (g) of subsection (1) of this section.

(3) Subject to the provision of subsection (4) of this section, a contribution levied pursuant to subsection (2) of this section, shall be due and payable on the passing of a resolution to that effect and in accordance with the terms of such resolution, and may be recovered as a debt by a Corporation in an action in any court of competent jurisdiction from the proprietor entitled at the time when such resolution was passed and from the proprietor entitled at the time when such action was instituted, both jointly and severally.

(4) A Corporation shall, on the application of a proprietor or any person authorized in writing by him, certify,

- (a) the amount of any contribution determined as the contribution of that proprietor;
- (b) the manner in which such contribution is payable;
- (c) the extent to which such contribution has been paid by that proprietor,

and, in favour of any person dealing with that proprietor, such certificate shall be conclusive evidence of the matters certified therein.

(5) A policy of insurance authorized by this section and in respect of the building shall not be liable to be brought into contribution with any other policy of insurance save another policy authorized by this section in respect of the same building.

7.–(1) Every Corporation shall cause to be kept at a conspicuous place at or near the front of the land to which the relevant strata plan relates a receptacle suitable for purposes of postal delivery, with the name of the corporation clearly shown thereon.

Service of documents on Corporations.

(2) Any summons, notice, order or other document may be served on the Corporation by post in a prepaid letter addressed to the Corporation at the address shown on the strata plan, or by placing it in the receptacle referred to in subsection (1) of this section.

Voting rights.

**8.**—(1) Any powers of voting conferred by or under this Act may be exercised,

- (a) in the case of a proprietor who is an infant, by his guardian;
- (b) in the case of a proprietor who is for any other reason unable to control his property, by the person who for the time being is authorized by law to control that property.

(2) Where the court, upon the application of a Corporation or of any proprietor, is satisfied that there is no person able to vote in respect of a strata lot, the court,

- (a) shall, in cases where a unanimous resolution is required by this Act; and
- (b) may, in its discretion in any other case,

appoint some fit and proper person for the purpose of exercising such powers of voting under this Act as the court shall determine, and the court may in making such appointment make such order as it thinks necessary or expedient to give effect to such appointment, including an order as to the payment of costs of the application, and may vary any order so made.

(3) The court may order service of notice of the application referred to in subsection (2) of this section on such person as it thinks fit or may dispense with service of such notice.

Administration.

**9.**—(1) Every Corporation or any person having an interest in a strata lot may apply to the court for appointment of an administrator.

(2) The court may in its discretion, on cause shown, appoint an administrator for an indefinite period or for a fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit. The remuneration and expenses of the administrator shall be an administrative expense within the meaning of this Act.

(3) The administrator shall, to the exclusion of the Corporation, have the duties and powers of the Corporation or such of those duties and powers as the court may order.

(4) The administrator may delegate any of the powers vested in him by virtue of subsection (3) of this section.

(5) The court may in its discretion, on the application of the administrator or any person referred to in subsection (1) of this section, remove or replace the administrator.

(6) On any application made under this section, the court may make such order for the payment of costs as it thinks fit.

### PART III

#### *Registration and Dealings*

**10.** If the Registrar is satisfied that an application for registration of a strata plan is in order he shall,

Registration of  
strata plans.

- (a) file the strata plan;
- (b) open a new register in respect of each strata lot shown on the strata plan in accordance with section 11 of this Act;
- (c) in respect of the register relating to the parcel,
  - (i) record in the property section that the land comprised consists only of the common property;

- (ii) in the proprietorship section, delete the name of the proprietor, substitute the name of the strata lot Corporation established under section 5 of this Act (and enter a restriction prohibiting any dealings with the land otherwise than by order of the court or of the Registrar);
- (iii) note in the encumbrance section that registers in respect of the strata lots have been opened.

Strata lot registers.

**11.**—(1) The registers opened by the Registrar in accordance with section 10 of this Act in respect of each strata lot in a parcel shall record,

- (a) all the particulars recorded in the property section of the register relating to the parcel in question and including the unit entitlement of the strata lot in question;
- (b) the proprietor of the parcel as the first proprietor of the strata lot; and
- (c) the encumbrances noted in the encumbrances section of the register relating to the parcel,

Provided that if the Registrar is satisfied that any of such particulars or encumbrances do not apply to the strata lot he shall omit them from the register relating to the strata lot and record the reason for his decision.

(2) A strata lot shall be deemed,

- (a) for the purposes of sections 26 and 27 of the Registered Land Act, Cap. 194, to be a parcel; and
- (b) for all purposes of this Act, to be land.

Easements.

**12.**—(1) In respect of every strata lot there shall be implied,

- (a) in favour of the proprietor thereof, and as appurtenant thereto,

- (i) an easement for the subjacent and lateral support thereof, by the common property any by every other strata lot capable of affording support thereto;
  - (ii) easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air, and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts for the time being existing in the land to which the relevant registered strata plan relates, to the extent to which such pipes, wires, cables, or ducts are capable of being used in connection with the enjoyment of such strata lot;
- (b) as against the proprietor thereof and to which it shall be subject,
  - (i) an easement for the subjacent and lateral support of the common property and of every other strata lot capable of enjoying support from such strata lot;
  - (ii) easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air, and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts for the time being existing within such strata lot, as appurtenant to the common property and to every other strata lot capable of enjoying such easements.

(2) The proprietor of a strata lot shall be entitled to have his strata lot sheltered by all such parts of the building as are capable of affording shelter thereto.

(3) The right created by subsection (2) of this section, shall be an easement to which the aforesaid parts of the building shall be subject, and such easement shall entitle the proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any shelter.

(4) All ancillary rights and obligations reasonably necessary to make easements effective shall apply in relation to easements implied or created by this section.

Ownership of  
common property.

**13.**-(1) The common property shall be held by the members as proprietors in common in shares proportionate to the unit entitlement of their respective strata lots.

(2) The Registrar shall, in making out a land certificate for any strata lot, certify therein the proprietor's share in the common property.

(3) Save as is provided in this Act, no share in the common property shall be disposed of except as appurtenant to a strata lot and any assurance of a strata lot shall operate to assure the share of the disposing party in the common property without express reference thereto.

Disposition of  
common property.

**14.**-(1) The proprietors may by unanimous resolution direct their Corporation to transfer or lease the common property or any part thereof.

(2) If a Corporation is satisfied that the resolution was duly passed and that all persons having interests, of which the Corporation has notice, in the parcel have consented in writing to the release of those interests in the land comprised in the proposed transfer or lease or, in the case of a lease, having approved in writing of the execution of the lease, the Corporation shall execute the appropriate transfer or lease and such transfer or lease shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the Corporation for the purchase money, rent or other money payable to the Corporation under the terms of the transfer or lease shall be a sufficient discharge and shall exonerate all persons taking under the transfer, or the lease, as the case may be, from any responsibility for the application of the moneys expressed to have been received.



(3) Every such transfer or lease lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the Corporation that the resolution referred to in subsection (1) of this section was duly passed, that the transfer or lease conforms with the terms thereof and that all necessary consents were given and such certificate shall, in favour of purchasers of the common property and in favour of the Registrar, be conclusive evidence of the facts stated therein.

## PART IV

### *Management and Administration*

**15.**-(1) Subject to the provisions of this Act, the control, management, administration, use and enjoyment of the strata lots and the common property contained in every registered strata plan shall be regulated by by-laws.

By-Laws.

(2) The by-laws shall include,

- (a) the by-laws set forth in the First Schedule, which shall not be amended or varied except by unanimous resolution;
- (b) the by-laws set forth in the Second Schedule, which may be amended or varied by the Corporation.

(3) Until by-laws are made by a Corporation in that behalf, the by-laws set forth in the First Schedule and the Second Schedule shall, as and from the registration of a strata plan, be in force for all purposes in relation to the relevant parcel and the strata lots and common property therein.

(4) No by-law shall operate to prohibit or restrict the devolution of strata lots or any dealing therewith or to destroy or modify any easement implied or created by this Act.

(5) No amendment or variation of any by-law shall have effect until the relevant Corporation has lodged with the Registrar a notification thereof in such form as may be prescribed and until the Registrar notifies the

Corporation that he has made reference thereto on the relevant registered strata plan.

(6) Every Corporation shall, on the application of a proprietor or any person authorized in writing by him, make available for inspection the by-laws for the time being in force.

(7) By-laws for the time being in force shall bind every Corporation and the proprietors to the same extent as if such by-laws had respectively been signed and sealed by such Corporation and each proprietor and contained covenants on the part of such Corporation with each proprietor and on the part of each proprietor with every other proprietor and with such Corporation to observe and perform all the provisions of the by-laws.

**16.**-(1) The proprietors may by unanimous resolution direct their Corporation,

- (a) to execute on their behalf a grant of easement or a restrictive agreement burdening the parcel;
- (b) to accept on their behalf a grant of easement or restrictive agreement benefitting the parcel.

(2) If the Corporation is satisfied that the resolution was duly passed and that all persons having interests, of which the Corporation has notice, in the parcel have consented in writing to the release of those interests in respect of the land comprised in the proposed disposition, the Corporation shall execute the appropriate instrument, and such instrument shall be valid and effective without execution by any person having an interest in the parcel, and the receipt of the Corporation for any money payable to it under the terms of such instrument shall be a sufficient discharge and shall exonerate all persons taking under such instrument from any responsibility for the application of the moneys expressed to have been so received.

(3) Every such instrument lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the Corporation that the resolution referred to in subsection (1) of this section was duly passed and that all necessary consents were given, and such certificate

Creation of easements and agreements.

shall, in favour of persons dealing with the Corporation pursuant to this section and in favour of the Registrar, to be conclusive evidence of the facts stated therein.

**17.--(1)** Where a building is destroyed,

Destruction of a building.

- (a) the Corporation shall forthwith lodge with the Registrar, in such form as may be prescribed, a notification of such destruction;
- (b) the Registrar shall, upon receipt of such notification, make, in such form as may be prescribed, an entry thereof on the registered strata plan, and thereafter;
- (c) the proprietors of all the strata lots contained in such strata plan shall be entitled to the parcel as proprietors in common in shares proportionate to the unit entitlement of their respective strata lots and the provisions of sections 14 and 16 shall apply in relation to the transfer or lease of the parcel and to the creation of any easement or restrictive agreement burdening or benefiting it.

(2) For the purposes of this Act, a building referred to in subsection (1) of this section is destroyed,

- (a) when the proprietors by unanimous resolution so resolve; or
- (b) when the court is satisfied that, having regard to the rights and interests of the proprietors as a whole, it is just and equitable that such building shall be deemed to have been destroyed, and makes a declaration to that effect.

(3) In any case where a declaration has been made pursuant to paragraph (b) of subsection (2) of this section, the court may by order impose such conditions and give such directions (including directions

for the payment of money) as it thinks fit for the purpose of adjusting, as between the Corporation and the proprietors and as amongst the proprietors themselves, the effect of the declaration.

(4) An application for a declaration under paragraph (b) of subsection (2) of this section may be made to the court by the Corporation or by a proprietor or by a registered chargee of a strata lot.

(5) On any application to the court for a declaration under paragraph (b) of subsection (2) of this section, any insurer who has effected insurance on the building or on any part thereof (being insurance against destruction of strata lots or damage to the building) shall have the right to appear in person or by an attorney-at-law.

(6) The court may, on the application of a Corporation or any member thereof or the administrator, by order make provision for the winding-up of the affairs of the Corporation and may, by the same or a subsequent order, declare the Corporation dissolved as on and from a date specified in the order.

(7) On any application under this section the court may make such order for the payment of costs as it thinks fit.

(8) The court may from time to time vary any order made by it under subsection (3) or subsection (7) of this section.

Regulations.

**18.** The Minister may make regulations generally for the proper carrying out of the purposes and provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, may make regulations,

- (a) as to the manner and form of registering strata plans;
- (b) providing for the amendment of registered strata plans;
- (c) prescribing the manner of registering transfers and leases of common property;
- (d) providing for cases where a building is damaged but is not destroyed;

- (e) providing for the insurance of strata lots by the proprietors thereof;
- (f) providing for the voting rights of chargees of strata lots;
- (g) prescribing the fees to be paid for anything required or permitted to be done under this Act;
- (h) prescribing any other matter or anything which may be, or is required by this Act to be, prescribed.

**19.** Provision may be made by rules of court as to the practice and procedure to be followed in relation to applications which may be made to the court under this Act.

Rules of Court.

**20.** If there is failure to comply with any notice, order or request referred to in paragraph (g) or (h) of subsection (1) of section 6 of this Act, or with any requirement of subsection (1) of section 7 or subsection (6) of section 15 or paragraph (a) of subsection (1) of section 17 of this Act, the Corporation and every member thereof who is knowingly a party to such failure commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months.

Offences.

**21.** A building and common property within the meaning of this Act shall not be interpreted to mean a hotel within the meaning of the Hotels and Tourist Accommodation Act, Cap. 285.

Building, etc., not deemed to be a hotel.

**22.**-(1) Subject to the provisions of this section, in relation to any parcel,

Liability for taxes.

- (a) the Corporation; and
- (b) the proprietors of strata lots in that parcel, to the extent prescribed in section 4 (4) (c) of this Act,

shall be jointly and severally liable for all land tax and property tax payable in respect of that parcel.

(2) The relevant local authority in the case of property tax, and the Commissioner of Lands and Surveys in the case of land tax, may on its or his own initiative or consequent on agreement with the proprietor of a strata lot or the Corporation, may, by memorandum in writing to the proprietor of a strata lot and to the Corporation, direct that the proprietor shall, to the exclusion of the Corporation, be responsible for the payment of any property tax or land tax payable in respect of the strata lot to which the direction relates, and thereupon or from such date as may be specified in the memorandum, the property tax or land tax shall be recovered as if,

- (a) the proprietor of the strata lot were the owner in fee simple in possession of the lot and it were a separate parcel of land having a property tax or land tax liability equal to the appropriate tax apportioned to it under paragraph (c) of this subsection;
- (b) that proprietor were, subject to any exemptions or concessions that may be applicable to him or to the lot of which he is proprietor, liable for any tax made or levied on the owners or other person in possession of the land; and
- (c) the tax on the lot were an amount that bears to the total tax payable on the parcel, the same proportion as the unit entitlement of that lot bears to the aggregate unit entitlement.

## FIRST SCHEDULE

## STRATA TITLE REGISTRATION ACT

Proprietors

*[Sections 2, 15 (2) (a) and (3)]*

1. A proprietor shall,
  - (a) permit his Corporation and its agents at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his strata lot for the purpose of inspecting it and maintaining, repairing or renewing pipes, wires, cables, and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that the by-laws are being observed;
  - (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his strata lot;
  - (c) repair and maintain his strata lot, and keep it in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God, excepted;
  - (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors or their families or visitors;
  - (e) not use his strata lot or permit it to be used in such manner or for such purpose as shall cause a nuisance or hazard to the occupier of any other strata lot (whether a proprietor or not) or any member of the household or any guest of such occupier;

- (f) notify the Corporation forthwith upon any change of ownership or of any mortgage, charge or other dealing in connection with his strata lot.

### *The Corporation*

#### 2. Every Corporation shall,

- (a) control, manage and administer the common property for the benefit of all proprietors;
- (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property;
- (c) where practicable, establish and maintain suitable lawns and gardens on the common property;
- (d) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot or common property;
- (e) on the written request of the proprietor, or registered chargee of a strata lot, produce to such proprietor or chargee, or any person authorised in writing by such proprietor or chargee, the policy or policies of insurance effected by the Corporation, and the receipt or receipts for the last premiums in respect thereof.

#### 3. The Corporation may,

- (a) purchase, hire or otherwise acquire personal property for use by proprietors in connection with their enjoyment of common property;



- (b) borrow moneys required by it in the performance of its duties or the exercise of its powers;
- (c) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument, or charge of unpaid contribution (whether levied or not), or charge of any property vested in it, or by combination of those means;
- (d) invest as it may determine any moneys in the fund for administrative expenses;
- (e) make an agreement with the proprietor or occupier of any strata lot for the provision of amenities or services by it to such strata lot or to the proprietor or occupier thereof;
- (f) do all things reasonably necessary for the enforcement of the by-laws and the control, management and administration of the common property.

### *General Meetings*

**4.** A general meeting of proprietors shall be held within three months after registration of the strata plan.

**5.** Subsequent general meetings (hereinafter referred to as annual general meetings) shall be held once in each year,

Provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.

**6.** All general meetings other than the annual general meetings shall be called extraordinary general meetings.

**7.** Every Corporation may, whenever it thinks fit and shall upon a requisition in writing made by proprietors entitled to twenty-five

*per centum* of the total unit entitlement of the strata lots, convene an extraordinary general meeting.

**8.** Seven days' notice of every general meeting specifying the place, the date and the hour of the meeting and, in case of special business, the general nature of such business, shall be given to all proprietors and registered first chargees who have notified their interest to the Corporation, but accidental omission to give such notice to any proprietor or to any registered first chargee of non-receipt of such notice shall not invalidate any proceedings at any such meeting.

**9.** All business shall be deemed special that is transacted at an annual or extraordinary general meeting, with the exception of the consideration of accounts.

**10.** Save as is in these by-laws otherwise provided, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business. One half of the persons entitled to vote present in person or by proxy shall constitute a quorum.

**11.** If, within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same time and place, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the persons entitled to vote present shall be deemed a quorum.

**12.** At the commencement of a general meeting, a Chairperson of the meeting shall be elected.

#### *The Executive Committee*

**13.** There shall be an Executive Committee of every Corporation which shall, subject to any restriction imposed or direction given at a general meeting, exercise the powers and perform the duties of the Corporation.

**14.** The Executive Committee shall consist of not less than three nor more than nine proprietors and shall be elected at the first general meeting of the Corporation and thereafter at each annual general meeting,

Provided that where there are not more than three proprietors, the Executive Committee shall consist of all the proprietors.

**15.** Except where the Executive Committee consists of all the proprietors, the Corporation may by resolution at an extraordinary general meeting remove any member of the Executive Committee before the expiration of his term of office and appoint another proprietor in his place to hold office until the next annual general meeting.

**16.** Any casual vacancy on the Executive Committee may be filled by the remaining members thereof.

**17.** The quorum of the Executive Committee shall be such number as the committee may fix from time to time, being not less than one-half the number of members thereof.

**18.** At the commencement of each meeting the Executive Committee shall elect a Chairperson for the meeting, and if any Chairperson so elected vacates the chair during the meeting, the Executive Committee shall elect in his stead another Chairperson.

**19.** At meetings of the Executive Committee, all matters shall be determined by simple majority vote and the Chairperson shall, in addition to an original vote, have a casting vote in any case in which voting is equal.

**20.** Subject to the provisions of these by-laws, the Executive Committee shall have power to regulate its own procedure.

**21.** The Executive Committee may,

- (a) employ, for and on behalf of the Corporation, such agents and servants as it thinks fit in connection with the control, management and administration of the common property and the exercise and performance of the powers and duties of the Corporation;

- (b) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members such of its powers and duties as it thinks fit, and may at any time revoke such delegation.

**22.** The Executive Committee shall,

- (a) keep minutes of its meetings;
- (b) cause proper books of account to be kept in respect of all moneys received and spent by it;
- (c) prepare proper accounts relating to all moneys of the Corporation, and the income and expenditure thereof, to be submitted at each annual general meeting;
- (d) on the application of a proprietor or a chargee, or any person authorized in writing by either of them, make the books of account available for inspection at all reasonable times.

**23.** The validity of the proceedings of the Executive Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

#### *Voting*

**24.** At any general meeting, a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any proprietor present in person or by proxy. Unless a poll is so demanded, a declaration by the Chairperson that a resolution has on the show of hands been carried shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution, a demand for a poll maybe withdrawn.

**25.** A poll, if demanded, shall be taken in such manner as the Chairperson thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.

- 26.** In the case of equality in the votes, whether on a show of hands or on a poll, the Chairperson of the meeting shall be entitled to a casting vote in addition to his original vote.
- 27.** On a show of hands, each proprietor shall have one vote; on a poll, the votes of proprietors shall correspond with the unit entitlement of their respective strata lots.
- 28.** On a show of hands or on a poll, votes may be given either personally or by proxy.
- 29.** An instrument appointing a proxy shall be in writing under the hand of the appointee or his attorney, and may be either general or for a particular meeting. A proxy need not be a proprietor.
- 30.** Except in cases where by or under this Act a unanimous resolution is required, no proprietor shall be entitled to vote at any general meeting unless all contributions payable in respect of his strata lot have been duly paid.
- 31.** Co-proprietors may vote by proxy jointly appointed by them, and in the absence of such proxy shall not be entitled to vote on a show of hands, except when the unanimous resolution of proprietors is required by this Act; but any one co-proprietor may demand a poll. On any poll, such a proprietor shall be entitled to such part of the vote applicable to a strata lot as is proportionate to his interest in the strata lot. The joint proxy (if any) on a poll shall have a vote proportionate to the interests in the strata lot of such of the joint proprietors as do not vote personally or by individual proxy.
- 32.** Where proprietors are entitled to successive interests in a strata lot, the proprietor entitled to the first interest shall alone be entitled to vote, whether on a show of hands or a poll; and this by-law shall be applicable whether by this Act the unanimous resolution of proprietors is required or not.
- 33.** Where a proprietor holds his strata lot as a trustee, he shall exercise the voting rights in respect of the strata lot to the exclusion of persons beneficially interested in the trust, and such person shall not vote.

*Use of Common Seal*

**34.** Every Corporation shall, at the first general meeting held after registration of the strata plan, and may from time to time, at subsequent general meetings, determine how the common seal of the Corporation shall be used.

**SECOND SCHEDULE****STRATA TITLE REGISTRATION ACT****Prohibited Use of Strata Titles***[Sections 15 (2) (b) and (3)]*

1. A proprietor shall not,
  - (a) use his strata lot for any purpose which may be illegal or injurious to the reputation of the building;
  - (b) make undue noise in or about any strata lot or common property; or
  - (c) keep any animals on his strata lot or common property after receiving notice from the Executive Committee requiring him to refrain from so doing.
  
2. When the purpose for which a strata lot is intended to be used is shown expressly or by necessary implication on or by the registered strata plan, the proprietor of such strata lot shall not use it or permit it to be used for any other purpose.