

INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE TRIBUNALS IN NSW

Name: Name suppressed

Date received: 2/12/2011

Partially Confidential

A by-law requiring Owners Corporation permission for installation of hard flooring in lieu of carpet is deliberately ignored by some new owners and hard floors installed without notice each time. CTTT Orders against such floors only suffice until the next owner moves in and the process repeated. Each resale becomes a major disruption to those affected each time.

Fashion and profit overrides other owners' peaceful enjoyment of their amenity.

The onus of proof of noise disturbance has - according to managing agent and legal advice - now shifted to the noise disadvantaged, owners, thus rendering such by-laws impotent.

This successively involves, lengthy and stressful delays, plus expensive legal fees and acoustic testing when a simple, unambiguous walk test easily demonstrates excessive noise penetration and used to suffice.

Acoustic testing should only be required when simple and quick walk testing is indecisive. Unfixed mats should not be an acceptable part of the walk test as they tend to be removed shortly thereafter.

Hard floor owners sometimes make serious threats against those adversely affected should they seek adjudication.