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Construction

A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Tipene v The Owners Strata Plan 9485 (WASC) - strata titles - State Administrative Tribunal had no jurisdiction to determine application under s103F *Strata Titles Act 1985* (WA) - appeal dismissed

Summaries with links (5 minute read)

Tipene v The Owners Strata Plan 9485 [2015] WASC 30

Supreme Court of Western Australia

Corboy J

Strata titles - parties owned townhouses which formed two buildings - registered proprietors of nine lots under strata plan formed strata company - appellants were registered proprietors of lots in building B - appellants sought approval from strata company to demolish building B and contract new townhouses - respondents were registered proprietor of lots in Building A - respondents objected to application - State Administrative Tribunal dismissed application for order under s103F *Strata Titles Act 1985* (WA) that approval for purpose of s7(2) STA be deemed to have been given by strata company - SAT claimed it did not have jurisdiction to make order as redevelopment proposal required building B to be demolished -held: SAT did not have jurisdiction over application because of effect that demolition of a building that formed boundaries or part of the boundaries of a lot would have on proprietary interests of lot owners who comprised affected strata scheme - appeal dismissed.

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