

Smart Strata: Committee Update

Visitor Car Parking

Parking disputes form one of the top three issues for many people living in strata – the other two are usually about pets or parties. Mostly the parking issues are about visitors using the visitor parking for far too long, owners using the visitor parking, parking in someone else's space and parking where there is no defined parking space.



By-laws or model rules can be created to clearly spell out the uses for visitor and owner parking. However enforcement of by-laws is difficult as there are no authorities who will take this on. Wheel clamping or towing cars is illegal in New South Wales, while in Victorian and Queensland it is also illegal to wheel clamp but towing from private property is permitted.

While you may think that having the vehicle towed is a solution, think again. Not only there is an expense in doing this (one you are not likely to recover from the vehicle's owner) but if the car is damaged you may be liable for this as well.

A better solution is to pass a by-law or model rule that satisfies the situation and then to educate owners and tenants in the first instance that they must only park in spaces allocated to them and to be aware of the rules around visitor parking. Clearly warn that any breaches will be dealt with in the same way as all by-law or model law breaches are, that is through warnings and enforcement through the appropriate authority.

BCS strata managers are experienced in mediating by-law disputes and finding resolutions, within the confines of the particular Acts. They maintain close relationships with law firms specialising in the strata industry in all our states of operation, and keep up to date with all new case law and by-law changes.

Currently in Queensland, Strata Community Australia (Qld) has been lobbying some local councils in the south east of the state to take on parking enforcement if invited to by the body corporate. To date no council has taken this up.

Parking is also an issue which the NSW government is addressing in its review of the strata and community title law review underway in that state.