



# FACT SHEET

## MAINTAINING AIR CONDITIONERS AND HOT WATER SYSTEMS

Owners are often confused when it comes to maintenance of the air conditioning plant and hot water systems in Body Corporate schemes.

The Body Corporate and Community Management Act 1997 (BCCMA) makes it a lot easier when trying to work this out, as opposed to other maintenance items affecting a lot.

Let's have a look at what the legislation states.

Section 159 3 (b) of the Body Corporate and Community Management (Standard Module) Regulation 2008 states that:

The owner of the lot is responsible for maintaining utility infrastructure, including utility infrastructure situated on common property, in good order and condition, to the extent that the utility infrastructure;

- I. relates only to supplying utility services to the owner's lot; and
- II. is one of the following types;
  - hot-water systems,
  - washing machines,
  - clothes dryers,
  - another device providing a utility service to a lot.

*Examples for paragraph (b):*

1. An air conditioning plant is installed on the common property, but relates only to supplying utility services to a particular lot.

The owner of the lot would be responsible for maintaining the air conditioning equipment.

2. A hot-water system is installed on the common property, but supplies water only to a particular lot.

The owner of the lot would be responsible for maintaining the hot-water system and the associated pipes and wiring.

Where the air conditioning plant or hot-water system services more than one lot this would fall under the Body Corporate responsibility to maintain because the Body Corporate is responsible to maintain utility infrastructure which is included in common property.

If you are still unsure please give our office a call and talk to your Body Corporate manager who can help further.

### SOURCES

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BodyCorpStR08.pdf>

Body Corporate and Community Management (Standard Module) Regulation 2008 section 73, 139, 140, 141, Reprint 1F effective 30 September 2011 Page 125-129

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BodyCorpAcMR08.pdf>

Body Corporate and Community Management (Accommodation Module) Regulation 2008, section 138, Reprint 1F effective 30 September 2011

