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LAWYERS



ARE YOU BEING SERVED? GETTING YOUR OWNERS CORPORATION'S ADDRESS FOR SERVICE CORRECT

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ARE YOU BEING SERVED?

GETTING YOUR OWNERS CORPORATION'S ADDRESS FOR SERVICE CORRECT

Did you know that an owners corporation can be served with legal documents at the address recorded on the common property certificate of title? Do you know if your common property certificate of title contains the proper address for service of legal documents on your owners corporation?

You want to make sure the proper address is recorded. In a recent case we saw, an owners corporation had not updated its address for service. Legal documents were sent to the old address and never passed on to the owners corporation. The NSW Civil & Administrative Tribunal (NCAT) made orders against the owners corporation in default of its appearance. The owners corporation only found out about the orders made against it after the orders were made!

So, how do you avoid this embarrassing situation? Read on to learn why you should make sure your current address is registered on your common property certificate of title as your address for service. Your current address may be either the address of your building or your strata manager's address.

What is an address for service?

An address for service is the place at which a person suing an owners corporation can deliver legal documents to the owners corporation and once the documents are delivered to that address, the owners corporation is taken as being served. This applies even if the address is out of date, meaning the owners corporation never gets the documents, and applies in all state and federal courts and tribunals.

The address for service is recorded on the common property certificate of title.

What should your address for service be?

This can be either your building's address (but only if someone such as the building manager, the secretary or another committee member is regularly checking the body corporate letter box say at least once a week) or your strata manager's address.

What happens if you change strata managers?

If your strata manager is your address for service and you change strata managers, then you need to change your address for service on the certificate of title with NSW Land Registry Services.

It's good practice to include on the agenda of a general meeting that is considering appointing a new strata manager another motion to the effect that if the new strata manager is appointed, then the owners corporation also resolves to change its address for service to the new strata manager's address.

Changing the address for service

An owners corporation's address for service can only be changed pursuant to an ordinary resolution passed at a general meeting. A strata manager or strata committee cannot do this without a general meeting resolution.

What's next?

Check your common property certificate of title. If the address for service is current, you don't have to do anything. If it's not, find out whether any legal documents have been sent to the old address so that you can deal with them, and include a motion on your next general meeting agenda to change the address. You should then ensure the change of address is registered at NSW Land Registry Services. If you need our help doing any of this, let us know.

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About JS Mueller & Co Lawyers

JS Mueller & Co Lawyers has been servicing the strata industry across metropolitan and regional NSW for 40 years. We are a specialist firm of strata lawyers with in depth and unmatched experience in, and comprehensive knowledge of strata law and levy collection.

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