

# Opal Tower – What are Home Owners Rights?

Strata apartment living is the fastest growing form of property ownership across Australia with more than half of these apartments located in the greater Sydney area.

Alarming, recent and extensive research\* has found that up to 85% of these buildings built in NSW since the year 2000 have some form of [building defects](#).

## Sydney Olympic Park Opal Tower

The recent controversy surrounding the Opal Tower located in the Sydney Olympic Park precinct highlights the seriousness of some of these defects, leaving home owners lives turned upside down. So, what are their rights?

## Statutory Warranty Scheme

Under [NSW law](#) all residential buildings:

- Less than 6 years old are covered by a 'statutory warranty scheme' for major defects
- Major defects claims can be made for up to 6 years
- Any non-major defects can be claimed for up to 2 years
- Buildings older than 6 years may have different warranty periods and it is recommended to seek [legal advice](#)

All owners who are still covered by these warranties have the right to pursue the developer and builder for rectification of building defects.

## How do building defects affect strata levies?

Strata levies are a critical and essential part of ensuring the value of a property is protected.

The owners corporation has the statutory duty to ensure common

property is safe and kept in good repair, therefore apartment owners in structurally unsafe buildings could face increased special levies.

When a building defect is on common property the owners corporation should add the repair of the defect to the agenda of a general meeting for consideration and resolution.

The good news is that [Opal Tower](#) home owners are covered under the statutory warranty scheme however the not so good news is that it leaves home owners forced to find alternative accommodation or perhaps live in unsafe conditions with the possibility of facing a hefty special levies bill whilst the situation is being resolved.

For NSW strata legal or levy collection advice please contact us [here](#) or call 02 9562 1266, we're happy to assist.

*\*University of NSW City Futures Research Centre.*