



## **DEADLINE APPROACHES FOR DEVELOPERS TO HAND OVER COMMON AREAS IN APARTMENT COMPLEXES**

### **SOCIETY OF CHARTERED SURVEYORS IRELAND URGES APARTMENT OWNERS TO BE AWARE OF NEW RIGHTS AND RESPONSIBILITIES**

**Thursday 29<sup>th</sup> September 2011.** The Society of Chartered Surveyors Ireland is reminding owners of apartments in multi-unit developments that Friday (September 30<sup>th</sup>) is the deadline for developers to transfer the management of common areas in existing developments to the Owners' Management Company.

The significance of the change is that apartment owners who previously may not have had any role in the management of the common areas of their complexes will now be entitled to assume control of them.

The new measures are part of the Multi-Unit Developments (MUD) Act 2011, which was enacted on 1st April 2011, and is a new legislative framework for multi-unit developments (apartment complexes and private housing estates) which did not previously exist.

The Society of Chartered Surveyors Ireland believes the provisions of the Act provides a number of solutions and processes for the management of issues which have been challenging apartment owners for more than a decade, including the completion of developments, ownership of common areas and dispute resolution.

Siobhan O'Dwyer, Chair of the Society's Property and Facilities Management Professional Group said the legislation will have a positive effect as it will put many apartment dwellers in control of the running of their complexes for the first time.

'From midnight on September 30<sup>th</sup>, developers who retain control in existing multi-unit developments must hand over control of common areas such as internal halls, stairwells, lifts, grounds, car parks etc to the Owner's Management Company (OMC). But, the developer will still be obliged to complete unfinished complexes' O'Dwyer said.

However, she pointed out that the handover will also place increased legal responsibilities on owners for the effective management and operation of the development.

'Under the Act, the Owners' Management Company will be required to have Annual General Meetings, to provide a service charge budget and circulate it in advance among unit owners and to provide reports on a variety of issues such as; fire safety, insurance, contractors and the mandatory sinking fund. Apartment owners should be professionally

advised and ensure that all of the necessary documentation is handed over' O'Dwyer concluded.