

Common Property

Newsletter for professionals in the facilities management sector.



Car Parks



Edition: 4th November 2011

Oh, don't we love visitor car parks! Don't we love having to deal with complaints from our owners corporations regarding people who park in visitor car parks! You would think that the boyfriends or girlfriends who need to stay over would find a place to park on the street and not in the visitor's car park. Especially to save all the stress to the strata manager. Unfortunately however, I don't think anyone ever concerns themselves with the consequences of parking in someone else's car park and their effects on the strata manager.

In training over the last month, I came into contact with a legal firm and a strata managing agency which is taking an interesting approach to dealing with car parks. They clamp the wheels of anyone who parks illegally in a visitor car park. A by-law has been passed giving powers to the Owners Corporation to clamp the wheels of those who park in visitors car parks or in other lot's car parks. This by-law is currently being considered by the CTTT.

What I found as most interesting is they have put a sign up, stating that *any person who parks here must comply with the by-laws*. The by-law is outlined and the prohibition of parking in visitors car parks or in somebody else's lot is clearly displayed.

You might ask yourself, why is this act so clever? Well, there is case law which states that when entering a car park, you enter into a contract with the owner of that car park. If the rules are clearly displayed, the terms of that contract are well set out for that person wishing to park in the car park. Hence, a person who drives past the sign, whether they read it or not, have agreed to the terms of entering into the car park. Thus, they have entered into a contract with the car park owner permitting them to do what they want with the parker's car if they breach the rules. In this case, wheel clamping is clearly identified as the action that would be taken for a breach of the contract.

I wish it was me that had come up with this contract perspective. Probably, the solicitor that came up with it did not think about the

Strata CPD

~~~~~  
**Full 12 points**

**SYDNEY CBD**

**Fri 2<sup>nd</sup> Dec**

**\$199**

### **Upgrade to a Strata Licence**

***If you are an  
experienced  
Strata or Property  
Agent, you may be  
eligible to attend  
our 4 day Strata  
Licence course.***

***Next course starts  
Tues 15th Nov***

**1300 88 48 10**

**[www.collegeaus.com](http://www.collegeaus.com)**

Contract Law issues at all, but just thought it would be a good idea to put it up there. But by putting it up there they have created a contract and therefore have given themselves the right to enforce the wheel clamping penalty. What is more important, it protects them against any action for liability because the parker entered into a contract knowing the consequences if they parked in the wrong spot.

A brilliant new option. When the result of the CTTT has been completed, we will keep you all informed.

***Cheers, Bailey Compton  
and The team at ACP/Leverage!***



THE AUSTRALIAN GOVERNMENT WILL PAY  
YOU \$4000 TO UPSKILL YOUR STAFF!  
(Conditions apply)

The Australian College of Professionals delivers courses that are informative, relevant and have direct benefits for both you and your employees. Our conscientious staff will stay with you every step of the way to help you and your employee complete all the training.

Some of these key benefits are:

- Increased efficiency and productivity of business operations
- Job satisfaction in employees resulting in a motivated workforce

Traineeship Courses Available include:

- Certificate III in Property Services (Agency)
- Certificate III in Property Services (Operations)
- Certificate III in Business Administration
- Certificate IV in Business Administration
- Certificate IV in Property Services (Real Estate)
- Certificate IV in Property Services (Stock & Station Agency)
- Certificate IV in Property Services (Business Broking)
- Certificate IV in Property Services (Operations)
- Certificate IV in Financial Services (Mortgage Broking)

**Ask Belinda how on 1300 88 48 10**

***We specialise in all aspects of Strata,  
On-Site, Facility & Property Management!***

## **Certificate of Registration (Strata)**

*Combination of self-  
study together with  
face to face courses  
available.*

**2 days + Self-study**  
Monday 7th to  
Tuesday 8th Nov  
**Castle Hill**  
**\$595**

**2 days + Self-study**  
Monday 14th to  
Tuesday 15th Nov  
**Newcastle**  
**\$595**

**2 days + Self-study**  
Monday 21st to  
Tuesday 22nd Nov  
**Sydney**  
**\$595**

**Weekend + Self  
Study**  
Sat 26<sup>th</sup> & Sun 27<sup>th</sup>  
Nov  
**Gosford**  
**\$495**

***Mortgage Broking  
& Finance Courses  
also available.***

***Call our friendly  
staff today to find  
a course near you!***

**1300 88 48 10**