Name/s of proprietor or occupier to whom this notice is issued

**Approved form**:*Community Land Management Act 2021* (section 137)

Address Postcode

The association of Deposited Plan has resolved to issue you with this notice.

We believe that you have contravened by-law number

A copy of the by-law is attached.

The association believes that you have contravened this by-law by: *(state action causing contravention and give dates and details.)*

*Example: On (date) you parked motor vehicle (registration number) on association property without permission*

You must comply with the by-law immediately by: *(state action required to stop the contravention.) Example: Remove motor vehicle (registration number) from the association property access way*

You must stop contravening this by-law and obey it now and in the future. If you do not comply with the by-law, the association may apply to the NSW Civil and Administrative Tribunal to impose a monetary penalty on you.

# Signature of association representative(s) Full name:

Position/title:

X

Affix the association seal here:

Date:

**IMPORTANT INFORMATION ABOUT THIS NOTICE**

1. This notice should refer to one by-law only.
2. The association committee or the association (if the association committee does not have the power to issue this notice), must convene and hold a meeting to decide to issue this notice and record its decision in the minutes. Alternatively, a managing agent who has been delegated the function may decide to issue this notice.
3. Where an association has one member, the seal must be affixed to this document in the presence of the member or the managing agent. If an association has two or more members, the seal must be affixed to this document in the presence of its members, if it has only two. Otherwise, the seal must be affixed in the presence of two persons nominated by the association, each of whom is a member of the association. In the absence of nominations, the secretary and a member of the association committee, or the managing agent (if any), may be present to affix the seal.
4. To impose a penalty on a person for contravening a by-law, an application must be made to the NSW Civil and Administrative Tribunal within 12 months of the notice being served on the person (given).
5. The secretary or managing agent should keep a copy of this notice as well as a record of the date and method of service – refer to the Affidavit of Service on page 3.
6. If this notice relates to a breach of a condition of an association property rights by-law, or a failure to pay an amount under an association property rights by-law—

(a) the person ceases to be entitled to use the restricted property until the notice is complied with or, whether the notice is complied with or not, if the management statement is amended to remove the person’s right to use the property, and

(b) the person is not entitled to vote on a motion to amend the management statement in so far as it relates to the restricted property.

1. Enquiries may be directed to NSW Fair Trading on **13 32 20**.

# Affidavit of service

Name

I

Address Postcode

# say an oath as follows:

I am a person authorised by the association to serve the attached Notice to comply with a by-law. On the day of [month] [year]

Name of proprietor or occupier:

I served

with the attached Notice to comply with a by-law by delivering a true copy by at

as required by the *Community Land Management Act 2021*

**Signed** *(please sign)* Full name:

Position/title:

method of service

X

Sworn at

Date:

this day of *[month]* [year]

**Justice of the Peace/ Solicitor (**please sign) Full name (please print)

Before me

X

**HOW THIS NOTICE CAN BE SERVED**

The *Community Land Management Act 2021* sets out how notices may be served, as follows:

1. **Service on occupier of lot (section 226(2))**

A notice or other document may be given to the occupier of the lot by leaving it at the address of the lot with some person apparently of or above the age of 16 years.

1. **Service where address is included in association or strata roll (section 226(3))**

If an address for the service of notices on a person is recorded in the association roll or strata roll, a document may be given to the person:

* 1. by post at that address, or by leaving it at that address with some person apparently of or above the age of 16 years, or
  2. by electronic communication to an address or location nominated by the person for receiving correspondence.

1. **Service on owner of lot (section 226(4))**

A document may be given to the owner of the lot:

* 1. personally, or
  2. by post at the address of the lot, or
  3. by leaving it on a part of the lot that is the owner’s place of residence or business (otherwise than on a part of the lot provided for the accommodation of a vehicle or as a storeroom), or
  4. by leaving it in a place provided on the parcel for receiving mail posted to the lot, or
  5. in any manner authorised by the by-laws for the service of notices on owners.

**NOTE**:

***Lot*** means a development lot, a neighbourhood lot or a strata lot. ***Parcel*** means a community parcel, a precinct parcel or a neighbourhood parcel.