

# Car park bullies are pinching common property

## Flat chat



Jimmy Thomson

There's one issue that connects many of the misconceptions about strata living in one source of irritation, conflict and abuse: visitor parking. It may seem trivial to many residents and investors, but its misuse can range from inconvenience to downright property theft.

Most apartment blocks have parking spaces allocated as "visitors only" in their development approval, with bylaws saying residents may not park in them.

However, when a family has more cars than parking spaces, the temptation to turn visitor parking into overflow spots is great.

Then there is the definition of "visitor". The health professional or mobile hairdresser attending to a client would definitely qualify. But what about the romantic partner of a resident who stays all weekend, every weekend? Or Airbnb guests – are they not visitors?

One extreme case we've heard about was a tradie who used his lock-up garage in a townhouse complex as his tool shed and workshop, and parked his truck overnight in the visitor spot opposite. When a resident

parked her mother's car there for a few hours during a visit, they returned to find it plastered with notes in foul and abusive language threatening dire consequences if they ever parked in "my space" again.

That's not as unusual as you might think. Many townhouse residents use their garages for storage or even games rooms and park their cars wherever they can.

Then there are the owners who don't see why people who don't live or own in the building should be able to park their cars in the block when they can't.

Bylaw breach notices don't have much effect when the rogue parker doesn't care. It can take months for the complaint and then the penalty for non-compliance to go through our clogged tribunal systems. A fine of couple of hundred dollars for three or four months of parking is a pretty good deal.

Apart from the inconvenience and sheer selfishness, the conflict and frustration when genuine visitors can't find anywhere to park can be hugely disruptive in communities. Resident owners are often too scared of personal confrontation with car park bullies – or their cars being "keyed" – when there's a chance they will be named in strata committee minutes (another form of bullying) if they complain.

Why would investors care about this? Because your tenants are being deprived of



At first, residents parking in a visitor spot may not seem like such a big deal.

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a facility for which they've paid, and your neighbours are ripping you off, perhaps?

To be fair, it's good to have some "spare" parking. Building management may well

allow leeway for dropping off groceries close to the lifts, or for overnight visitors. But that depends on most visitor parking being free most of the time.

Strata committees' options for dealing with persistent miscreants are limited in most states. In NSW and Victoria, you can't tow or clamp vehicles parked illegally unless they obstruct safe access or have clearly been abandoned.

Queensland has its own compliance system and vehicles can be towed if every avenue under body corporate law has been exhausted.

Elsewhere, visitor parking is common property, so your building can write its own rules and definitions for what a "visitor" is, including limits on the length of time visitors' cars are parked there and when they must leave if they park overnight.

Your owners can set these standards based on the needs of your specific building. Your committee should ask them what they want – one size definitely doesn't fit all.

So be flexible but don't be afraid to hammer the residents who are effectively stealing common property for their own benefit. **SI**

*Jimmy Thomson edits the Flat Chat website and hosts the Flat Chat Wrap podcast. States have different strata laws.*