69C. Variation of information also to be notified

(1) The vendor under a contract to sell a lot or proposed lot shall by notice in writing given to the purchaser inform the purchaser of full particulars of any notifiable variation.

(2) Notice under subsection (1) shall be given as soon as the vendor becomes aware of the variation.

(3) For the purposes of subsection (1), a notifiable variation occurs if before the registration of the purchaser as proprietor of the lot or proposed lot or earlier avoidance of the contract —

    (a) the company, or the original proprietor in his own right or exercising the power of the company —

        (i) enters into an agreement for the provision of any amenity or service to the strata company or that is otherwise likely to affect the rights of the purchaser; or

        (ii) varies any existing agreement of that kind whereby the rights of the purchaser are likely to be affected;

    (b) the company or the original proprietor in his own right or exercising the power of the company —

        (i) makes a by-law; or

        (ii) amends or repeals any by-law;

    (c) the registered or proposed strata/survey-strata plan is varied in a material particular or the registered strata/survey-strata plan differs in a material particular from the proposed strata/survey-strata plan;

    (d) the unit entitlement of any lot or the aggregate unit entitlement is not the same as the unit entitlement or proposed unit entitlement or the aggregate unit entitlement or proposed aggregate unit entitlement, as the case may be, that was notified under section 69A (c);

    (e) a lease, licence, right or privilege in relation to the common property is granted or varied.

(4) Subsection (1) does not apply if —

    (a) the vendor has by notice in writing informed the purchaser of any proposed action or matter that would be a notifiable variation under subsection (3); and

    (b) the action or matter when completed does not differ from that described in the notice.

[Section 69C inserted by No. 58 of 1995 s.63.]