

29A. Variation of survey-strata scheme on resumption

- (1) Where part of the land in a parcel in a survey-strata scheme is resumed, the District Court may, on an application by the strata company or by a proprietor or a registered mortgagee of a lot within the scheme, make an order for or with respect to the variation of the existing scheme or the substitution for the existing scheme of a new scheme.
- (2) Without limiting the generality of subsection (1), an order made under that subsection may include such directions for or with respect to any one or more of the following matters as the District Court considers necessary or expedient —
 - (a) the substitution for the existing schedule of unit entitlement of a new schedule of unit entitlement;
 - (b) the payment of moneys to or by the strata company or any one or more of the proprietors;
 - (c) the amendment of the registered survey-strata plan, in such manner as the District Court thinks fit, so as to include any addition to the common property;
 - (d) any matter in respect of which it is, in the opinion of the District Court, just and equitable in the circumstances of the case to make provision in the order; and
 - (e) the imposition of such terms and conditions as the District Court thinks fit.
- (3) The District Court may from time to time amend any order made under this section.
- (4) Where the District Court is of the opinion that an order should not be made under this section —
 - (a) it may, upon application made by any person entitled to appear and be heard on the hearing of the application made under subsection (1) or of its own motion, direct that the application be treated as an application for an order under section 31; and
 - (b) where it makes such a direction —
 - (i) the application the subject of the direction shall be deemed to be made under section 31 by a person entitled to make the application; and
 - (ii) the applicant under subsection (1), as well as any other person entitled to appear and be heard under section 31, is entitled to appear and be heard on the hearing of the application.
- (5) On any application under this section, the District Court may make such order for the payment of costs as it thinks fit.

[Section 29A inserted by No. 58 of 1995 s.32.]