

Legislation Committee

From: Vidette Wood
Sent: Tuesday, 25 September 2018 12:45 PM
To: Legislation Committee
Subject: Strata Titles Amendment Bill 2018

To whom it may concern,

We have been the owner / operators of Amberjacks Fish and Chips on Cottesloe Beach for the past 10 years. We have always taken pride in the thought that we are contributing to the overall Cottesloe Beach experience for both West Australians and tourists from around Australia and the World. We believe the unique combination of our product and the location of our business has produced an asset that arguably has a similar value to the property it sits in. Unfortunately, we fear this asset may be ripped away from us with zero compensation under the new Strata Titles amendment laws.

We are the only commercial premise in a group of 28 units at the Seapines building at 94 Marine Parade Cottesloe, a complex that is currently the focus of a redevelopment opportunity for a group of speculators waiting on the new strata legislation to set in, who have over time acquired close to 3/4 of the units.

We bought the business as a going concern for a substantial amount of money in 2007 with 9 1/2 years remaining on the lease. Under normal circumstances, the owner of the property would have been happy to renew our lease for a further 10 years, enabling us to continue running our business into the foreseeable future. However over the last 3 years, we have seen our asset lose most of its value, as the owner became scared of committing to a new lease while under the cloud of uncertainty in regards to the threat of forced redevelopment at our site.

The owner is in an unusual situation where the property is in a generation will. He is the beneficiary of the rental income, but money from the sale of the property goes to the next generation. After he sought legal advice, it was recommended he protect himself against possible claims of loss of business by only offering 1 year lease extensions at a time, with a protection clause in the lease if he is forced to sell. Under a forced sale scenario, we will be the biggest losers in the complex - our only asset will become zero and our sole source of income will be removed. As we hope you can appreciate this is a very tough situation for a family with 5 children! And the last few years of an uncertain future has been emotional very tough on our family.

Both the owner of the property and ourselves, would prefer to continue our business relationship into the extended future, providing security of income for both parties without fear of it all coming to an abrupt end. It would appear that the current proposed amendments are totally skewed towards big property speculators and developers, with no thought of protecting existing owners / lessees if they are keen to continue on in their current circumstances, or at the very least building protection in the form of like-for-like replacement of their circumstances should redevelopment proceed.

We urge you to consider our particular situation (as it most likely represents many other commercial tenants in similar strata buildings) when deciding on protection clauses for individual occupiers of strata complexes.

Kind Regards,

Tim and Vidette Wood