

**LEGAL NEWS BRIEF – WHETHER DISCONNECTION OF ELECTRICITY TO A STRATA LOT
FOR NON-PAYMENT OF MAINTENANCE IS UNLAWFUL**

In a recent decision of the Supreme Court HCV 04176 of 2011 Ann-Marie Menzies v The Proprietors, Strata plan No. 210 A, whereby the Executive Committee disconnected electricity to the strata owner's apartment because she failed to pay her maintenance, the strata proprietor sued the Executive Committee as committing an unlawful act.

The Executive Committee relied on Section 9 (1) of the Registration (Strata Titles) Act that provides for the control, management, administration, use and enjoyment of the strata lots and the common property contained in every registered strata plan and which shall be regulated by bye-laws.

It was submitted on behalf of the Executive Committee of The Proprietors, Strata plan No. 210 A that they were empowered by Byelaw 1. 111 (b) to determine the amount to be levied on each proprietor as an annual contribution in the proportion which the unit entitlement....failing which, the entire amount of the annual levy shall become due and owing as and may be collected from the proprietors in default as a debt...but not limited to the discontinuance of common services provided by the corporation...”

Held:- The judge found that the discontinuance by the Executive Committee of the water, electricity and gas supply to the Claimant's apartment was not unlawful. He held further that the disconnection of electricity, water and gas was not repugnant to the general law of Jamaica nor is it inconsistent with the Registration of (Strata Titles) Act.

Kent Gammon appeared for the Executive Committee of The Proprietors, Strata Plan No. 210 A.