



**REFORMING THE APARTMENT OWNERSHIP LAW TO
REDUCE ADVERSE IMPACTS ON URBAN
ENVIRONMENT IN SRI LANKA: A COMPARATIVE
ANALYSIS OF SRI LANKA AND AUSTRALIA (STATE OF
VICTORIA)**

by

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of*

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PERMANENT REFERENCE

DECLARATION

I hereby declare that the work described in this dissertation was exclusively carried out by me under the guidance of supervisor given below and I certify that the report on this work has not been submitted in whole or in part to any other university or institution for another degree or diploma.


Date: 14-09-2022


Pradeepa Medhani Amarasekera

I certify that the above statement made by the candidate is true

Certified by

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Date 02/05/2022

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Abstract

Apartments, the answer for housing in land scarce cities, are popular among the urban community in Sri Lanka. Although beneficial to dwellers, it has an environmental impact on society. Sri Lanka should pay attention to the environmental impacts of the condominium boom and mitigate them. The absence of stringent, effective and enforceable laws means that cities face water scarcity, water/air/noise pollution, traffic congestion, waste disposal issues etc. This dissertation aims to identify key environmental issues of condominiums, discuss and analyse the current legal framework combatting such issues, assess the impact of the current framework and propose a reformed framework for adaptation to lessen the harm caused to the environment. The methodology adopted is the black-letter/doctrinal approach, with limited qualitative and quantitative data through literature review. It is a comparative analysis with a threefold comparison: the mandatory provisions in the law of the comparative jurisdiction; harmonized laws in mitigating issues; and optional rules/guidelines to fill the gaps in the law. Limitation: comparison only with one jurisdiction. Sri Lanka material on the topic is limited. Lack of reliable data limited the scope of data analyses. Being desk research, narrowed analysing empirical data. Originality: previous research not focused on the legal framework to link legal provisions to mitigate environmental problems in areas associated with condominiums. The identified primary materials in the research related to Sri Lanka are the following and its amendments: Apartment Ownership and National Environmental Acts and the Urban Development Authority Law. There is no integration between the laws and government authorities to deal with the problem, which results in stakeholders and public officials being unable to comply with the available legal provisions to mitigate the issues. This research will be a revelation for policy makers to consider mitigating the environmental problems caused by the condominium development sector by reforming the law and creating awareness of the environmental problems associated with condominiums. The derived data will help authorities to understand the gravity of environmental degradation linked to condominiums, initiate law reforms for condominium construction and help future research to consider a broader construction law and not be limited to condominium law.

Keywords: condominium, environment, urban, construction