

Ding v Sylvania Waterways Ltd (1999) 46 NSWLT 424

<https://lawcasesummaries.com/knowledge-base/ding-v-sylvania-waterways-ltd-1999-46-nswlt-424/>

Facts

- Sylvania Waterways Ltd ("SW") owned submerged land in an adjoining residential development.
- The shareholders of SW consisted of owners of blocks of land adjoining the waterway.
- SW's constitution was amended in 1995 to provide that SW could charge the membership fee as an annual levy to pay for the maintenance of the waterway.
- Ding had been a member prior to 1995 and objected to paying the new annual levy.

Issues

- Was Ding required to pay more money than the initial price of his membership?

Held

- The Court found that the effect of s140(2) was to overturn any special contract with regards to increased liabilities through a constitutional amendment without written consent.
- A shareholder is not bound to contribute more money than the initial price of their membership (for example, share prices or membership fee).

Full Text

The full text is available here:

<https://iknow.cch.com.au/document/atagUio379852s110462079/ding-v-sylvania-waterways-ltd>

Law case summary from www.lawcasesummaries.com