

# Body Corporate 93205 - Body Corp Rules

## These rules are in addition to the Unit Titles Regulations 2011 and Unit Titles Act 2010

Some highlights from the above listed documents that we believe are particularly relevant have been included at the end, but will not need to be submitted to the Registrar, as they already exist as law.

## Duties of Owners and Occupiers

A Proprietor or occupier of a unit shall:

1. Maintain any garden at the unit frontage, or visible from the unit frontage, in a neat and tidy condition and with any grass well mown.
2. Repair and maintain their unit, gardens, and landscaping, and keep it in sufficiently good order and repair to ensure that no damage, harm or nuisance shall ensue to the common property, any other unit, or neighbouring property.
3. Not allow any rubbish, litter, or garden waste to accumulate in or around any unit or on the common property, nor dispose of household refuse anywhere except the appropriate bins provided by the local authority. Be a tidy kiwi.
4. Promptly carry out all works that may be ordered by a local authority or the Body Corporate to the satisfaction of that authority or body.
5. Discuss the alteration of the painted colour of any unit with their adjoining unit proprietor and any significant deviation from the existing specific colour scheme and/or general scheme of painting for the units in the development shall be discussed and requires written agreement by the committee. Ideally paint an entire building in the same colour at the same time.
6. Make no additions or structural alterations to the unit that in any other way alter the elevation or external appearance, or change or install any planting or fences that may significantly reduce the vehicle and pedestrian safety of the complex, without the written approval of the committee.
7. Make no alterations or additions to a unit or its' landscaping for which Auckland Council would require a Building Consent, without;
  - a. Receiving written approval of the committee
  - b. Obtaining a Building Consent approved by Auckland Council
  - c. Notifying the committee before commencement of any works
  - d. Notifying our Insurer of the intended works and obtaining works insurance cover
  - e. Providing all written documentation for b and d above, to the committee
8. When creating a lease or tenancy or other right of occupation in favour of some other person;
  - a. Notify the committee or Chairman the name of any such person, and
  - b. Ensure that the latter has received and read a copy of the rules of the Body Corporate
  - c. Be responsible for any significant breaches of these rules by any leaseholder or tenant or occupant of their unit.
9. Ensure that when upon common property or in areas visible from common property be adequately clothed and not use language or behave in a manner likely to cause offence or embarrassment to another proprietor or occupier, or to any person lawfully using common property.

10. Take all reasonable steps to ensure that their guests follow these rules and do not behave in a manner likely to interfere with the peaceful enjoyment of the proprietor or occupier of another unit or any person lawfully using common property.
11. Ensure they do not make any undue noise in or about any unit that **unreasonably interferes with the peace, comfort and convenience of any person, especially between the hours of 11:30pm and 7:00am**
12. Ensure any animal kept in or around their unit or the common property does not cause a reasonable nuisance or annoyance to any proprietor or occupier of any unit in any other part of the development. All dogs must be leashed on common property and fences well maintained to ensure the safety of people and animals.
13. Shall not allow any vehicle or thing belonging to them or their agents, visitors or contractors to be placed, parked and/or remain upon any part of the common property or do or permit to be done anything whereby any obstruction restriction or hindrance may be caused to the common property or to persons lawfully using the same. No vehicles are to park on any grassed surface. Parking maximums per unit are as per the guide sheet. Visitor parks are marked and have a 24hr limit unless written permission has been granted by the body corporate.
14. Shall not permit any wrecked or immobile vehicle to remain on the common area, any unit or part thereof.
15. Shall not use their unit or permit it to be used in such a manner or for such purpose as to cause a nuisance, annoyance, disturbance, or injury to any occupier of any unit.
16. Shall not hang washing, clothes or other articles from any balcony or deck or fence or any window of the unit, where it may be visible from any other unit or the common property.
17. Shall not display or erect any signage for any business or other organisation on or outside any unit, nor on the common property, nor on the park or road frontage at Seabrook Road.
18. Shall not undertake any business from any unit or the common property which may potentially have a more than minor increase of pedestrians or vehicle traffic to the complex, or require trucks or other heavy vehicles to utilise the driveway of the complex.
19. Only allow a unit to be utilised for short-term rental accommodation for a total of more than ten nights, whether consecutive or cumulative, in any calendar year, without the prior approval in writing of the committee.
20. Shall not use or store upon the property of any unit or the common property any flammable chemical, liquid, or gas other than a reasonable amount of liquids, gases, or other materials used or intended to be used for domestic purposes. All such flammable materials shall be stored in appropriate containers suited for that purpose.
21. Shall not mark, paint, damage or deface any part of the common property without the prior approval in writing of the committee.
22. Shall not cut, trim, prune, damage any lawn, garden, tree, shrub, plant, or flower being part of or situated upon common property, or use for his own purposes as a garden any portion of the common property without the prior approval in writing of the committee.

## Duties of Chairperson and Committee

1. The chairperson shall:
  - a. provide members of the committee not less than seven days' notice of a meeting, specifying the reason for calling the meeting or provide an agenda.
2. The Committee of the Body Corporate shall:
  - a. be comprised of unit proprietors, in a number not less than five
  - b. require a quorum of at least four members to undertake the business of the committee
  - c. get Body Corporate majority approval for any expenditure over \$1000
  - d. convene an extraordinary general meeting of the Body Corporate whenever it thinks fit
  - e. delegate to one or more of its members such of its powers and duties as it sees fit, and may at any time revoke the delegation
3. At meetings of the committee all matters shall be determined by a simple majority of votes. In the case of equality of votes, the chairperson shall have a casting vote. Only one vote per committee member regardless of the number of units they may own.

**\*\*END OF ADDITIONAL RULES\*\***

## Relevant Excerpts from Unit Titles Act 2010:

### 79 Rights of owners of principal units

An owner of a principal unit—

- (a) has all the rights derived from being registered as the owner of the stratum estate in a unit under this Act:
- (b) holds a share in the common property in accordance with section 54(2):
- (c) is entitled as a body corporate member to exercise a vote in respect of his or her unit, subject to section 96 and any other requirements in the regulations:
- (d) is entitled to have quiet enjoyment of his or her unit without interruption by other unit owners or occupiers, or the body corporate or its agents, except as authorised by this Act or the regulations:
- (e) subject to section 80(1)(h) and (i), may make any alterations, additions, or improvements to his or her unit so long as these are within the unit boundary and do not materially affect any other unit or common property:
- (f) has the right to have any dispute resolved in the manner set out in subpart 1 of Part 4:
- (g) has the right to enforce the body corporate operational rules:
- (h) has the right to attend the general meetings of the body corporate.

### 80 Responsibilities of owners of principal units

1. An owner of a principal unit—

- a. must permit the body corporate (or its agents) to enter the unit at any time in an emergency and at all reasonable hours, and after giving reasonable notice, for any of the following purposes:
  - i. to view the condition of the unit for the purpose of ascertaining compliance with the principal unit owners' or occupiers' obligations under this Act:
  - ii. to maintain, repair, or renew any infrastructure for services and utilities that serve more than 1 unit and any building elements that affect more than 1 unit or the common property, or both:
  - iii. to maintain, repair, or renew any common property:
  - iv. to ensure the body corporate operational rules are being complied with:
- b. must do all things necessary to give effect to decisions of the body corporate:
- c. must consult with his or her mortgagee, if required to do so, before exercising a vote under section 97 or 98:
- d. must comply with all laws and legal requirements relating to the use, occupation, or enjoyment of the unit:
- e. must carry out, without delay, all work that may be ordered by a territorial authority or public body in respect of the unit to the satisfaction of that authority or body:
- f. must pay all rates, taxes, charges, body corporate levies, and other outgoings that are from time to time payable in respect of the unit:
- g. must repair and maintain the unit and keep it in good order to ensure that no damage or harm, whether physical, economic, or otherwise, is, or has the potential to be, caused to the common property, any building element, any infrastructure, or any other unit in the building:
- h. must notify the body corporate of his or her intention to carry out any additions or structural alterations before the commencement of any work:
- i. must not make any additions or structural alterations to the unit that materially affect any other unit or the common property without the written consent of the body corporate:
- j. must comply with the body corporate operational rules:
- k. must not do anything that breaches or in any way undermines any policy of insurance in the name of the body corporate.

## Relevant Excerpts from Unit Titles Regulations 2011:

### 4 Register of unit owners

1. A body corporate must include the following information in a register of unit owners, to the extent that the information is relevant, for every unit owner in a unit title development:
  - a. the unit number; and
  - b. the unit owner's full name; and
  - c. the unit owner's contact details and preferred method of contact; and
  - d. the unit owner's ownership interest; and
  - e. the unit owner's utility interest; and
  - f. the name, contact details, and preferred method of contact of any representative of the unit owner; and
  - g. the name, contact details, and preferred method of contact of any agent appointed by the unit owner under section 81 of the Act; and
  - h. if the unit owner is a corporation, the name, contact details, and preferred method of contact of a director or representative of the corporation; and
  - i. if the unit is held on trust, the name, contact details, and preferred method of contact of each trustee of the trust; and
  - j. if the unit owner is the Crown, the name, contact details, and preferred method of contact of the appropriate Minister or officer or employee of the Crown.
2. A unit owner's preferred method of contact—
  - (a) must be either by post or by email; and
  - (b) may be through—
    - i. an agent appointed under section 81 of the Act or a representative; or
    - ii. the subsidiary body corporate representative, the chairperson, or the body corporate committee, if the unit owner is a subsidiary body corporate.
3. The following may search a register of unit owners for the purposes specified in subclause (4):
  - a. the chairperson;
  - b. the body corporate committee;
  - c. a person approved by the body corporate or the body corporate committee.
4. The purposes referred to in subclause (3) are—
  - a. to give notice of body corporate meetings;
  - b. to give notice of resolutions voted on;
  - c. to advise unit owners of matters relating to the body corporate or the unit title development;
  - d. to serve documents;
  - e. to forward information or documentation from a unit owner to another unit owner, provided that the information or documentation—
    - i. relates to the management of the unit title development; or
    - ii. relates to the use or enjoyment of the unit title development.
5. In this regulation,—

**contact details** means address for service, telephone number, and email address (if any)

**representative** means a representative of the owner of a principal unit within the meaning of [section 96\(2\)](#) of the Act.

### Notes: Clifford Court contains 18 units

A quorum required for an AGM to proceed is 25%, which is 5/18

An ordinary resolution at an AGM requires a majority of those in attendance, proxy & postal votes

Passing of an ordinary resolution without a general meeting requires a majority, which is 10/18

Passing of a special resolution without a general meeting requires a 75% majority (14/18)

Any matters at a meeting of a body corporate committee must be decided by a simple majority of votes (UTA S113)