

FIRST SCHEDULE

AMENDMENTS AND ADDITIONS TO THE RULES AS CONTAINED  
IN THE SECOND SCHEDULE OF THE UNIT TITLES ACT 1972  
PURSUANT TO THE UNANIMOUS RESOLUTION OF THE BODY CORPORATE

1. Rule 1 - Add the following additional subparagraphs:

(a) To Rule 1(a):

"(v) Maintaining, repairing or painting the exterior of the unit (including the roof) surrounding walls and boundary fences."

(b) At the end of Rule 1:

"(g) Keep and maintain both the interior and exterior of the unit and any accessory unit including all electrical and plumbing equipment, drains, boundary fences and surrounding walls, in good condition and in the event of damage immediately repair and reinstate the same in a proper and workmanlike manner."

2. Rule 2 - Add new subclauses as follows:

"(d) Set aside an annual amount, to be determined in each year by the body corporate, to provide for future maintenance and refurbishment of the common areas, boundary fences and the exterior surfaces of the units (including the roof) and surrounding walls.

(e) Levy contributions to each proprietor in accordance with the Act or these rules, on the basis of an annual budgeted sum and payable by quarterly payments in advance by way of automatic bank payment authority to the credit of the body corporate's bank account. If there is a shortfall in contributions against budgeted expenditure the amount of such shortfall shall be levied immediately. Any surplus of contributions over budgeted expenditure shall be carried forward to the next year. For the avoidance of doubt:

(i) Accumulated funds held by the body corporate shall be owned by the proprietors of the units in the proportion to which contributions have actually been made by each proprietor or his or her predecessor in title and, in the event of a sale of the unit, shall be an apportionable asset in the hands of each proprietor.

(ii) The body corporate may resolve at any time that the whole or any part of the accumulated funds are surplus to the body corporate's requirement and shall be refunded to proprietors in proportion to their actual contributions.

*Handwritten initials/signature*

proprietor's contribution within 14 days of the due date for payment then the amount not paid shall bear interest at a rate of interest equal to the Bank of New Zealand base rate at the date of default plus 3% calculated on a day to day basis from the due date for payment down to the date of actual payment. Interest shall continue to accrue both before and after judgment."

Rule 3 - Amend rule 3(c) by deleting the words "(including the Secretary)".

Rule 5 - Delete "3" and substitute "2".

Add a new Rule 27A:

27A Notwithstanding anything contained in these rules or the Act to the contrary, anything that may be done by the body corporate at a meeting of the body corporate may be done by the body corporate by resolution passed (without a meeting or any previous notice being required pursuant to a resolution passed), by means of an entry in the body corporate's minute book signed by all of the proprietors, or where a mortgagee of a unit has given notice under Section 41 of the Act of its right to exercise the voting rights of a proprietor, signed by the mortgagee (or a person authorised in writing by such mortgagee) of that proprietor.

Add a new Rule 35:

35. The secretary shall in the name of the and on behalf of the body corporate give certificates pursuant to section 36 of the Unit Titles Act 1972 to any person authorised in writing by any proprietor to request such certificate. The cost of providing such Certificate to be met by the proprietor requesting it.

Add a new Rule 36:

36. The exterior of the buildings and structures comprised in the principal units, accessory units and common property including interior common property shall be fully repainted and redecorated by the proprietors whenever the proprietors determine by an ordinary resolution such repainting and redecoration is necessary. The proprietors may retain a firm of architects to prepare designs and to advise on repainting and redecoration and the architects decisions as to colours and all aspects of budgeting for the works and carrying out of the works shall be binding on all proprietors.

Add a new Rule 37:

37. Any proprietor who disputes any resolution of the body corporate but is unable, by reason of the total number of units comprised in the plan, to make an application to the High Court pursuant to sections 42 or 43 of the Act, may refer such resolution of the body corporate to arbitration.

AMENDMENTS TO THE RULES AS CONTAINED IN THE  
THIRD SCHEDULE OF THE UNIT TITLES ACT 1972 PURSUANT TO  
UNANIMOUS RESOLUTION OF THE BODY CORPORATE

rules set out below shall be substituted in their entirety for the existing  
rules

Add a new Rule 38:

38. A proprietor or occupier of any unit shall
- (a) Ensure that all floor space within the unit is covered by floor coverings to such an extent sufficient to prevent the transmission of noise likely to disturb the peaceful enjoyment of the proprietor or occupier of any other unit.
  - (b) Take all reasonable steps to ensure that his invitees do not behave in a manner likely to interfere with the peaceful enjoyment of the proprietor or occupier of another unit or of any person lawfully using the common property.
  - (c) Clean down any of the common area which may have mud, oil, or residue as a result of a proprietor or occupier washing down a motor vehicle or undertaking any other similar activity.
  - (d) Keep all windows clean and if broken or cracked promptly replace the window with fresh glass of the same colour, quality and weight.
  - (e) Provide blinds or curtains to all external windows at the proprietor's cost but conforming to an acceptable standard.
  - (f) Prior to requesting a certificate under Section 36 of the Act to enable settlement of a sale of a unit, provide to the body corporate the full name and address of the new proprietor and a duly completed bank payment authority in respect of the body corporate levies.
  - (g) Pay the Body Corporate insurance which shall be apportioned between the proprietors in the same proportion as the proprietors unit entitlements bear to the total unit entitlements.

Add a new Rule 39.

39. A proprietor or occupier of any unit shall not
- (a) Use the unit or permit it to be used in such a manner as to cause a nuisance, annoyance, disturbance, damage or interfere with the peaceful enjoyment of the proprietor or occupier of any unit or their licensees or invitees.
  - (b) Keep any animal in the unit or on the common property without the prior consent of the body corporate which consent may at any time be withdrawn.
  - (c) Allow plants or foliage to encroach under, upon or above any

other unit or the common property.

- (d) Hang any washing, towels, bedding, clothing or other article on any outside part of the unit or inside in such a way as to be visible from outside the unit.
- (e) Except with the approval in writing of the body corporate use or store upon the unit or upon the common property any inflammable chemical, liquid or gas or other inflammable material, other than that in the fuel tank of a motor vehicle, or cause any fires to be lit.
- (f) Park or allow any other person to park or cause to be parked any motor vehicle other than on that part of the common property immediately to the front of the respective proprietor or occupier's unit.
- (g) Use their vehicle lights on high beam while on the premises.
- (h) Erect any partition or do anything where by the access, light or air relating to adjoining units may be diminished or interfered with or lost.
- (i) Apply for a building permit or make any structural alteration to any unit including erecting any fence, shed, temporary structure, or alter\* colour schemes, letter boxes, windows, doors, gas, water, electrical and air conditioning installations without the prior consent in writing of the body corporate. \*external OP
- (j) Waste water or use any part of the plumbing system including toilets, waste pipes and drains, for any purpose other than those for which they are constructed or designed or deposit any sweepings or rubbish or other unsuitable substances therein. Any damage or blockage resulting to such plumbing installations from misuse or negligence shall be borne by the proprietor whether caused by the actions of that proprietor or those of the lessees, tenants, visitors, agents and servants of that proprietor. A proprietor or occupier of a unit shall give the body corporate prompt notice of any accident to or defect in any plumbing or electrical installations which comes to the knowledge of the proprietor and the body corporate may having regard to the urgency involved, examine and organise such repairs or renovations as is deemed necessary for the safety and preservation of the building.
- (k) Cause or permit any loss or damage to the common property including interior and exterior walls, fittings, lawn, garden, trees and plants situated upon the common property by reason of the use of such proprietor, tenant or occupier or any servant, agent, contractor, guest or invitee.
- (l) Allow any fire or incinerator to be ignited in or on the unit, the accessory unit, or the common property.
- (m) Directly instruct any contractor or workmen employed by the body corporate unless authorised by the body corporate.