

**BODY CORPORATE RULES – BODY CORPORATE NO. 372338**  
**(19 Tower Street Hornby, Christchurch)**

*The Unit Titles Act 1972*

**SECOND SCHEDULE**

**RULES THAT MAY BE AMENDED BY UNANIMOUS RESOLUTION**

*Duties of Proprietor*

**1. A proprietor shall-**

- (a) Permit the body corporate (or its agents or servants) at all reasonable hours to enter into and upon his unit for any of the following purposes, that is to say,-
  - (i) Viewing the condition thereof;
  - (ii) Maintaining, repairing, or renewing any pipes, conduits, wires, cables, or ducts for the time being in, upon, or passing through his unit and capable of being used in connection with the enjoyment of any other unit or common property;
  - (iii) Maintaining, repairing, or renewing any common property or, for the purposes of the provisos to clause 1 (e) of this Schedule of these rules, the exterior of his unit; and
  - (iv) Ensuring that the rules are being observed:
- (b) Comply in all respects with all Acts, bylaws, and regulations for the time being in force in the area in which his unit is situated in so far as they relate to the use, occupation, or enjoyment of his unit and ensure that his unit shall only be occupied by either:
  - (i) a person aged 60 years or more or, if there is more than one occupier at least one such person shall be aged 60 years or more; or
  - (ii) a person who qualifies for a permanent invalid's benefit on health grounds or, if there is more than one occupier at least one such occupier shall be a person who qualifies for a permanent invalid's benefit:
- (c) Forthwith and at all times carry out all work that may be ordered by any competent local authority or public body in respect of his unit to the satisfaction of that authority or body:
- (d) Duly and punctually pay all rates, taxes, charges, and other outgoings from time to time payable in respect of his unit to any local authority or public body and all sums properly levied in respect of his unit by the body corporate:
- (e) Repair and maintain his unit, and keep it in sufficiently good order, repair, and condition to ensure that no damage or harm shall ensue to the common property or any other unit in the building of which his unit forms part:

Provided that for the purposes of cleaning and/or repainting all or any parts of the outer surfaces of the buildings that fall within the boundaries of his unit, the said areas of those outer surfaces shall be deemed to be common property for the purpose only of determining and establishing that the costs of such cleaning and/or repainting shall be borne by all of the proprietors of the body corporate in the proportions of their respective unit entitlements and provided further that, unless the consent in writing of the body corporate is first obtained, it shall not be permissible for him to repaint any of the said areas of those outer surfaces and provided further that the provisions of sections 33 and 34 of the Unit Titles Act 1972 may be invoked at the discretion of the body corporate in any of the circumstances contemplated in these provisos:
- (f) Not, in relation to his unit or the common property:
  - (i) Apply to any Regulatory Authority for any building permit or consent nor make any temporary or permanent structural alteration:
  - (ii) Make any temporary or permanent visual or cosmetic alteration:
  - (iii) Add or install any temporary or permanent external appendage (including any such appendage to any building or structure or part thereof):
  - (iv) Erect or install any temporary or permanent external awning, fence, shed, structure, fixture or other addition:
  - (v) Alter the external colour scheme:
  - (vi) Alter or extend or install any letter box, external window, external door, reticulated gas installation or equipment, water delivery system or feature, external electrical wiring or component or external television or radio aerial or receiving system or air conditioning plant or equipment including a heat pump:

except with the prior consent of the body corporate:

Provided that these restrictions shall not apply to the erection of additional interior partitions within his unit except where such partitions are visible from any other unit or from any part of the common property or from beyond the boundary of the land of the body corporate and provided further that any consent given pursuant to any part of this clause may be given on the condition that the applicant for such consent shall, at his cost, if required by the provisions of sections 18, 19 or 44 of the Unit Titles Act 1972, arrange for the deposit of a new unit plan and for the satisfaction of all other requirements incidental thereto:
- (g) Not, without the written consent of the body corporate, which consent may be withdrawn at any time, place or store any items or articles, including swimming pools and/or spa pools, upon any balconies or uncovered or outside areas of his unit or accessory unit or (without exception) upon the common property whether or not the effect thereof is to

alter or detract from the external appearance of his unit or accessory unit or the common property:

Provided that it shall be permissible, without such consent, to place standard items of outdoor furniture or minor items of inoffensive decoration or small sized growing plants in tubs or pots or in the ground in or on the aforesaid areas of his unit or accessory unit:

- (h) Not, without the written consent of the body corporate, which consent may be withdrawn at any time, do anything (other than operate a gas or electrically fired outdoor barbecue) the result of which is that the access, light or air affecting or relating to any other unit or accessory unit or the common property is diminished or interfered with or lost.
- (i) At his own cost, entirely reinstate his unit to its former condition in the event of any damage arising from any acts of terrorism, riot, strike or war or other events which are excluded under the policies of insurance effected by the body corporate under the provisions of section 15 of the Unit Titles Act 1972.
- (j) Agree, acknowledge, and accept that should he breach any provision under the Unit Titles Act 1972 or these rules (or allow, suffer or permit any occupier of his unit to breach such provision) then without prejudice to any other rights or powers which the body corporate may have, such defaulting unit proprietor shall:
  - (i) (In the case that the breach is capable of remedy) remedy any breach upon receiving reasonable notice from the body corporate; or
  - (ii) Upon demand in writing being made by the body corporate, pay to the body corporate as liquidated damages a fair and reasonable sum to be determined by it for each day that any breach remains unremedied.
- (k) Indemnify the body corporate for any claims, losses, damages or costs incurred by the body corporate due to any breach by him (or by any occupier of his unit) of these rules or the Unit Titles Act 1972 or in the course of enforcement of these rules or the Unit Titles Act 1972 against him (or against any occupier of his unit).

#### *Powers and Duties of Body Corporate*

##### 2. The body corporate shall-

- (a) Repair and maintain all chattels, fixtures, and fittings, (including stairs, lifts, elevators, and fire escapes) used, or intended, adapted, or designed for use, in connection with the common property or the enjoyment thereof:
- (b) Repair and maintain all pipes, wires, cables, ducts, and all other apparatus and equipment of whatsoever kind and wheresoever situate which may be reasonably necessary for the enjoyment of an incidental right which may from time to time exist by virtue of section 11 of the Unit Titles Act 1972:
- (c) On request, produce to any unit proprietor, or a registered mortgagee of any unit, or any person authorised in writing by any unit proprietor or registered mortgagee of any unit, all policies of insurance effected by the body corporate under the provisions of section 15 of the Unit Titles Act 1972 and the receipt for the last premiums paid in respect thereof.
- (d) Ensure that Units 1 – 5 shall only be occupied by either:
  - (i) a person aged 60 years or more or, if there is more than one occupier at least one such person shall be aged 60 years or more; or
  - (ii) a person who qualifies for a permanent invalid's benefit on health grounds or, if there is more than one occupier at least one such occupier shall be a person who qualifies for a permanent invalid's benefit:
 and a register shall be kept of all residents and shall be made available to the Council to ensure compliance with the conditions of a resource consent relating to the land comprised in the unit title:

##### 3. The body corporate may-

- (a) Borrow any money necessary to enable it adequately to perform its duties or exercise its powers:
- (b) Invest any money for the time being held by it (whether in a fund established under section 15 of the Unit Titles Act 1972 or otherwise) in any of the modes of investment for the time being authorised by law for the investment of trust funds:
- (c) Establish a current account at a bank, and nominate for the purposes of this paragraph 3 persons (including the secretary) of whom any 2 may operate the account:
 

Provided that the body corporate may permit such account to be placed with the trust account of the secretary or of any body corporate service provider chosen for the purpose and in such event the operation of such account shall be as determined by the secretary or the said service provider:
- (d) Enter into any agreement with a proprietor or an occupier of any unit for the provision of amenities or services by it to the unit or to the proprietor or occupier:
- (e) Grant to a proprietor of a unit or to anyone claiming through him any special privilege (not being a lease) in respect of the enjoyment of part or parts of the common property:
 

Provided that any such grant shall be determinable by special resolution.
- (f) Establish and maintain a sinking fund to provide for future anticipated expenses of the body corporate in respect of its responsibilities and duties upon such terms as shall be decided by the body corporate from time to time in general meeting.
- (g) Determine from time to time the terms and conditions relating to the payment of amounts to be raised by way of levying contributions on the proprietors pursuant to section 15 (2) of the Unit Titles Act 1972 and to rules 1 (d) and 3 (f) hereof.

### *Committee of a Body Corporate*

4. Where there are more than 3 proprietors, the powers and duties of the body corporate shall be exercised and performed by a committee, subject to any restriction imposed or direction given at a general meeting of the body corporate:

5. Until the first annual general meeting of the body corporate, the proprietors of all the units shall constitute the committee. Thereafter the committee shall consist of such number of proprietors, not being fewer than 3, as is fixed from time to time by the body corporate at an annual general meeting.

6. The members of the committee shall be elected at each annual general meeting, to hold office until the next annual general meeting:

Provided that, unless the committee consists of all the proprietors, the body corporate may by resolution at an extraordinary general meeting remove any member of the committee before the expiration of his term of office and appoint another proprietor in his place to hold office until the next annual general meeting.

7. Any casual vacancy on the committee may be filled by the remaining members of the committee.

8. The quorum necessary for the transaction of the business of the committee may be fixed by the committee; and, unless so fixed, shall be 2 if there are not more than 6 members and 3 otherwise.

9. If the number of committee members is reduced below the number which would constitute a quorum, the remaining members may act for the purpose of increasing the number of members to that number or of summoning a general meeting of the body corporate, but for no other purpose.

10. At meetings of the committee all matters shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the meeting shall have a casting vote as well as a deliberative vote. A vote to be cast at a meeting of the body corporate committee by a corporation which is a member of that committee by virtue of being a proprietor may only be cast by a natural person who is a duly appointed proxy of that corporation:

11. Subject to any restriction imposed or direction given at a general meeting, the committee may-

- (a) Meet for the conduct of business, adjourn, and otherwise regulate its meetings as it thinks fit:  

Provided that it shall meet when any member of the committee gives to the other members not less than 7 days' notice of a meeting proposed by him, specifying the reason for calling the meeting:
- (b) Employ for and on behalf of the body corporate such agents and servants as it thinks fit in connection with the control, management, and administration of the common property, and the exercise and performance of the powers and duties of the body corporate:
- (c) From time to time elect one of its members to act as convener of the committee:
- (d) Delegate to one or more of its members such of its powers and duties as it thinks fit, and at any time revoke the delegation:
- (e) Whenever it thinks fit, convene an extraordinary general meeting of the body corporate.

12. The committee shall-

- (a) Keep minutes of its proceedings:
- (b) Cause minutes to be kept of general meetings of the body corporate, and include therein a record of all unanimous resolutions:
- (c) Cause proper books of account to be kept in respect of all sums of money received and expended by it, and the matters in respect of which all such income and expenditure is received or incurred:
- (d) Prepare proper accounts relating to all money of the body corporate, and the income and expenditure thereof, and arrange for the accounts of the body corporate for each year to be duly audited by an independent auditor, for a copy of the duly audited annual accounts to be sent to each proprietor before each annual general meeting of the body corporate, and for the duly audited annual accounts to be presented to each annual general meeting of the body corporate:

Provided that the proprietors of the body corporate may, by an ordinary resolution of which proper notice has been given, dispense from time to time with the requirements to arrange for the accounts of the body corporate to be audited:

- (e) On application by a proprietor or a mortgagee of a unit, or any person authorised in writing by either of them, make the books of account and all minutes available for inspection at all reasonable times:
- (f) Upon a requisition in writing made by proprietors entitled to 25 percent of the total unit entitlement of the units, convene an extraordinary general meeting of the body corporate.

13. Except as provided in clause 9 of these rules, no act or proceeding of the committee or of any person acting as a member of the committee shall be invalidated in consequence of there being a vacancy in the number of the committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

### *General Meetings of a Body Corporate*

14. A general meeting of the body corporate, to be called the annual general meeting, shall, in addition to any other meeting, be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting. The first annual general meeting of the body corporate shall be held within 3 months after the date of the deposit of the unit plan or of the first sale of a unit, whichever is the later.

15. All general meetings of the body corporate other than annual general meetings shall be called extraordinary general meetings.

16. At least 7 days' notice of every general meeting of the body corporate specifying the place, the date, and the hour of the meeting, and the proposed agenda shall be given to all persons entitled to exercise a vote in accordance with the provisions of section 41 of the Unit Titles Act 1972 and of clause 23 of these rules:

Provided that accidental omission to give such notice to anyone so entitled shall not invalidate any proceedings at any such meeting.

17. Any notice required to be given under clause 16 of these rules shall be sufficiently given if delivered personally to the person concerned or if left, or sent by letter posted to the person concerned, at the last address of that person notified to the body corporate, or if no such address has been so notified at that person's last known place of residence:

Provided that, if a proprietor advises the body corporate in writing that he requires notices sent to him by post to be sent by registered post, a notice thereafter sent to him by post shall not be sufficiently given unless it is sent by registered post.

18. At a general meeting of the body corporate, the persons entitled, on an ordinary resolution, to exercise the voting power in respect of not less than two of the units shall constitute a quorum.

19. Save as otherwise provided in these rules, no business shall be transacted at any general meeting of the body corporate unless a quorum is present at the time.

20. If within half an hour from the time appointed for a general meeting of the body corporate a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the number of persons present and entitled to vote at the expiration of that half hour shall constitute a quorum.

21. At a general meeting of the body corporate, the chairman shall normally be the convener of the committee if he is present. If there is no convener or if the convener is not present or is unwilling to act, a chairman shall be elected at the commencement of the meeting.

22. Save as otherwise provided by the Unit Titles Act 1972 or these rules, all matters at a general meeting of the body corporate shall be determined by a simple majority of votes. In the case of equality of votes the chairman for the time being of the meeting shall have a casting vote as well as a deliberative vote.

23. Subject to the provisions of section 41 of the Unit Titles Act 1972, at any general meeting of the body corporate at which the quorum requirement of clause 18 of these rules has been satisfied -

- (a) Where a unanimous resolution is required each proprietor shall be entitled to exercise one vote and every proprietor to whom notice has been sent in accordance with clauses 16 and 17 of these rules of an intention to consider the passing of a unanimous resolution (including distribution of the full text of the intended unanimous resolution as a part of that notice) at a general meeting of the body corporate whom is not represented at the meeting by attendance in person or by proxy hereby confirms the automatic appointment of the chairperson of the meeting to be the proxy of the said proprietor for the purposes only of attending the said meeting and voting without restriction on the said resolution:
- (b) In all other cases one vote only shall be exercised in respect of each principal unit, and no separate vote may be exercised in respect of any accessory unit.

24. At any meeting of the body corporate any person present and entitled to vote on the matter that is under consideration may demand a poll thereon, which shall be taken in such manner as the chairman thinks fit.

25. The result of the poll shall be deemed to be the resolution of the meeting at which it was demanded. Where a poll is not demanded, a declaration by the chairman that a resolution has been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded for or against the resolution.

26. Any vote to be cast at a general meeting of the body corporate may be exercised personally or by proxy. Where 2 or more persons are jointly entitled to exercise one vote and wish to do so by proxy, that proxy shall be jointly appointed by them and may be one of them. A proxy shall be appointed in writing. If only one of those persons is present at a general meeting and they have not appointed a proxy as aforesaid, he or she may exercise the vote. If more than one of those persons is present at a general meeting and all of the persons jointly required to have not appointed a proxy as aforesaid, the one of those persons present whose name first appears on the register of proprietors of the body corporate only may exercise the vote. A vote to be cast at a general meeting of the body corporate by a corporation which is a proprietor may only be cast by a natural person who is a duly appointed proxy of that corporation.

27. Where a poll is demanded or a special resolution is before the meeting, each vote shall correspond in value with the unit entitlement of the principal unit and accessory unit (if any) in respect of which it is exercised. In all other cases each vote shall be of equal value.

28. Except where a unanimous resolution is required, a power of voting in respect of a unit shall not be exercised unless all amounts accrued due and payable under the Unit Titles Act 1972 to the body corporate in respect of the unit in respect of which the vote is exercisable have been duly paid.

29. If there is no committee, the responsibility for the matters set out in clause 12 of these rules except paragraph (a), and the powers given to the committee by clause 11 of these rules except paragraph (a), shall be those of the body corporate; and, unless the context otherwise requires, every reference in these rules to the committee shall be read as a reference to the body corporate.

30. A secretary (who may or may not be a proprietor) shall be appointed by the body corporate at its first annual general

meeting for such term, at such remuneration, and upon such conditions as it may approve. Any subsequent vacancy in the position of secretary shall be similarly filled as quickly as possible at a general meeting of the body corporate; and any incumbent secretary appointed in either manner as aforesaid may be removed by the body corporate, either at a subsequent annual general meeting or at an extraordinary general meeting called for that purpose. At any such meeting the said incumbent secretary shall have the right to attend and be heard and, at his own cost, to present written submissions to some or all of the proprietors either at or prior to that meeting and the following further requirements will apply-

- (a) At least 7 days' notice (including details of the reason for the proposed removal and of the name and relevant experience of the proposed replacement secretary and of the proposed term, remuneration and conditions relating to the appointment of the proposed replacement secretary) shall first have been given to all proprietors (and to the incumbent secretary) as part of the notice calling the general meeting at which the said removal is proposed:
- (b) Any secretary so removed or ceasing to hold the position of secretary for any other reason, including his executors, shall, subject to his having duly carried out the duties required of the Secretary to the date of termination, be entitled to payment for his time and costs in assembling and handing over the records of the body corporate to his successor plus (irrespective of the term of or any condition relating to his appointment) not more remuneration and associated expenses for disbursements in respect of the period to the date of such removal or cessation since his most recent re-appointment or since the last annual general meeting of the body corporate (whichever is the latter) than the amounts obtained by applying the formula-  

$$[(A \times B)/C]$$
 where: A = the number of days comprising the said period, and B = the said current annual remuneration and associated expenses for disbursements, and C = 365.

31. The function of the secretary shall be to keep proper books of account in which shall be kept full, true, and complete accounts of the affairs and transactions of the body corporate and to carry out such other functions as may from time to time be delegated to him by the body corporate. Notwithstanding anything contained in these rules the secretary may in the name of and on behalf of the body corporate give certificates pursuant to section 36 of the Unit Titles Act 1972.

#### *Miscellaneous*

32. The common seal of the body corporate shall not be used without the authority of the committee of the body corporate previously given. Whenever the seal is affixed to any instrument, that instrument shall be attested by at least 2 proprietors or by 1 proprietor and the secretary or, where an administrator has been appointed or there is only one proprietor, by the administrator or that proprietor.

Provided that the secretary and any other person may attest to the affixing of the seal to any notice lodged with the Registrar of Land if such notice is required to bear the seal.

33. For the purposes of these rules a special resolution means a resolution proposed at a general meeting of the body corporate of which at least 7 days' notice specifying the intention to propose the resolution as a special resolution has been given.

34. Where a resolution is proposed as a special resolution, the vote of the meeting shall be taken in the same way as if it had been proposed as an ordinary resolution and a poll has been demanded:

Provided that a special resolution shall be deemed not to be carried unless persons entitled to exercise not less than three-fourths of the value of the votes and not less than three-fourths of the number of votes exercisable in respect of all the units vote in favour of it.

35. Rules 1(b) and 1 (b) (i) and 1 (b) ii) and Rule 2 (d) and the within Rule 35 shall not be varied without first obtaining the prior consent of the Christchurch City Council.

36. Notwithstanding anything to the contrary contained in these rules, anything that may be done in accordance with the rules may be done in the same manner by a resolution or resolutions passed by the requisite majority on the matter or matters determined as if a poll had been demanded pursuant to clause 27 of these rules, without a meeting and without any previous notice being given, by means of a memorandum drawn up by the secretary of the body corporate and signed for the purpose of becoming an entry in the minute book of the body corporate or of the body corporate committee, by such proportion of the proprietors of all of the units having the right to vote in that resolution or those resolutions or by a majority of the proprietors comprising the body corporate committee in the case of a resolution or resolutions of the body corporate committee, as the case may be, or by proxies of the said proprietors duly appointed in writing for the express purpose of so signing. It shall not be necessary for the body corporate to hold an annual general meeting or an extraordinary general meeting or for the body corporate committee to hold a meeting of that committee if everything to be done at the meeting is done, within the time prescribed, by means of a memorandum signed in accordance with this rule. For the purposes of this rule a memorandum may consist of several documents in like form each signed by one or more proprietors and any such document or documents may be transmitted and received by facsimile machines or by electronic means.

Provided that where a mortgagee or other person is entitled pursuant to section 41 of the Unit Titles Act 1972 or to an order made under that section to exercise a proprietor's voting rights the entry shall be signed by the said mortgagee or by that said other person instead of the proprietor of the relative unit.

## THIRD SCHEDULE

## RULES THAT MAY BE AMENDED BY RESOLUTION OF BODY CORPORATE

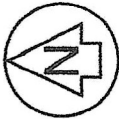
## 1. A proprietor or occupier of any unit shall not-

- (a) Use or permit his unit to be used for any purpose which is illegal or may be injurious to the reputation of the building:
- (b) Create any noise likely to interfere with the peaceful enjoyment of the proprietor or occupier of any other unit or of any person lawfully using the common property:
- (c) Keep any animal other than a small dog or a cat or up to two caged birds or miniature fish on his unit or the common property without the consent of the body corporate:  
 Provided that such permitted animal or consent may be withdrawn at any time by the secretary upon his receiving like written complaints in the matter from the proprietors of 2 or more units:
- (d) Use the common property in such a manner as unreasonably to interfere with the use and enjoyment thereof by any occupier of any unit (whether a proprietor or not) or by the family or any visitor of any such occupier:
- (e) Use his unit or permit it to be used in such manner or for such purpose as to cause damage or a nuisance or annoyance or disturbance to any occupier of any unit (whether a proprietor or not) or to the family or any visitor of any such occupier:
- (f) Use nor permit the use of his unit for any purpose other than residential use or such other use as may upon application to the relevant territorial authority be permitted in accordance with the local district plan:
- (g) Allow trees or plants or roots or foliage to encroach under, upon or over any other unit or the common property:
- (h) Hang or place any washing, towels, bedding, clothing or other article on any outside part of his unit or inside his unit in such a way as to be visible from any other unit or from any part of the common property or from beyond the boundary of the land of the body corporate:
- (i) Except with the consent of the body corporate which consent may be withdrawn at any time, use or store upon his unit or the common property any flammable chemical, liquid or gas or other flammable material, other than that in the fuel tank of a motor vehicle or, in the case of liquid gas only, in a properly approved gas cylinder:
- (j) Park or allow any member of his family or any visitor to his unit to park or cause to be parked, other than for periods not exceeding 3 minutes, any motor vehicle except on his accessory unit or on that part of the common property specifically designated for visitor parking purposes:  
 Provided that visitor parking shall be restricted to periods not exceeding 3 hours between the hours of 7.00am and 10.00pm or 9 hours between the hours of 10.00pm and 7.00am per visit:
- (k) Use or permit the lights of any motor vehicle to be used on high beam while on his unit or the common property:
- (l) Use those of his accessory units that are designated for parking, or allow them to be used, for storage of any items whatsoever or for any purpose other than the parking of a single motor vehicle or boat or trailer:
- (m) With respect to his unit and the common property, waste water or use any part of the plumbing systems including toilets, waste pipes and drains, for any purposes except for those for which they were constructed or designed or deposit any sweepings or rubbish or other unsuitable substances therein and as conditions to the foregoing-
  - (i) The cost of rectification of any damage or blockage resulting to such plumbing systems from misuse or negligence shall be borne by the proprietor responsible whether caused by the actions of that proprietor or those of his lessees, tenants, visitors, agents or servants:
  - (ii) 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 systems which shall come to the knowledge of the proprietor or occupier and the body corporate or its agent may, having regard to the urgency involved, examine such accident or defect and organise such repairs or renovations as it deems necessary:
- (n) Cause or permit any loss or damage to the common property including interior and exterior walls, fittings, lawn, garden, trees and plants situated thereon by reason of the use of such proprietor or occupier or of any tenant, servant, agent, agent, contractor, guest or invitee thereof:
- (o) Allow any fire or incinerator to be ignited in or on his unit or accessory unit or the common property:  
 Provided that this restriction shall not apply to any safe and serviceable gas fired barbecue equipment or, where the prior written consent of the body corporate to install such has been obtained, to any solid fuel or gas fired heating equipment:
- (p) Directly instruct any contractor or workmen employed by the body corporate unless authorised by the body corporate:
- (q) Exhibit, place or attach on any part of his unit or the common property in such a way as to be visible from outside his unit any trade, business or professional services sign board or sign or any other sign board or notice board or sign of any description whatsoever except with the consent of the body corporate which consent may at any time be withdrawn:
- (r) Mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property except with the consent of the body corporate which consent may at any time be withdrawn:
- (s) Deposit or throw upon the common property or another unit any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the proprietor or occupier of another unit or of any person lawfully using the

common property.

2. A proprietor or occupier of any unit shall-

- (a) Ensure that all floor space within his 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 any other unit or of any person lawfully using the common property:
- (c) Immediately clean down any part of his accessory unit or the common property which has mud, oil or other residue thereon as a result of his washing down or using or parking a motor vehicle or boat or trailer thereon or as a result of any other activity undertaken by him:
- (d) With respect to his unit or accessory unit, keep all windows clean and if any are broken or cracked promptly replace same with fresh glass of the same colour, quality and weight:
- (e) With respect to his unit or accessory unit, provide blinds or curtains conforming to an acceptable standard to all external windows at his cost:
- (f)
  - (i) Maintain within his principal unit in clean and dry condition adequate covered receptacles and containers for garbage:
  - (ii) Ensure that before refuse is placed in the said receptacles and containers it is securely wrapped or in the case of tins and other containers, completely drained:
  - (iii) Temporarily store such filled receptacles and containers within his principal unit:
- (g)
  - (i) Ensure that garbage bags and containers are placed on the roadside in good time for collection on the next available collection date but not before that date:
  - (ii) Ensure that garbage bags and containers placed on the roadside on the collection day are in sound condition and are securely closed:
  - (iii) Ensure that household goods and material of any kind other than authorised garbage bags and containers of a kind acceptable to the refuse collectors are not put out for collection on the roadside:
  - (iv) Promptly remove anything which the refuse collector may have declined to uplift or spilled from the said receptacles and containers and take such action as may be necessary to clear the area within which any spillage may have occurred:
- (h) Be responsible for the cost of any special call out or other similar charge levied by any security or alarm or other service provider in respect of any incident caused by him or his occupier or affecting his unit:
- (i) Arrange directly with the relevant provider at his own cost for the replacement of any lost or damaged access passes or automatic door or gate opening devices which give access to the common property or for such additional passes or devices to be issued to him as he may require. The replacement of any lost or damaged keys to his unit shall be arranged by a proprietor or occupier directly with a locksmith of his choice at his own cost.



Approvals

I hereby certify that this plan was approved by the  
 Christchurch City Council pursuant to section 223 of  
 the Resource Management Act 1991 on the 21  
 day of June 2006

*[Signature]*

Authorised Officer

| SCHEDULE               |             |                   |
|------------------------|-------------|-------------------|
| C'st Allocation        | Appellation | Unit Entitlements |
| 295084                 | Unit 1      | 2030              |
| 271684                 | Unit 2      | 1980              |
| 271685                 | Unit 3      | 1980              |
| 271686                 | Unit 4      | 1980              |
| 271687                 | Unit 5      | 2090              |
| Total Unit Entitlement |             | 10000             |

Supplementary Record Sheet  
 Address of Body Corporate:  
 19 Tower Street, Hornby, Christchurch

NOTES:  
 All Units are restricted in height as follows:  
 Upper Height Limit - RL 15.00  
 Lower Height Limit - RL 30.00  
 Levels are in terms of the Christchurch Drainage Datum  
 and the Surveyor-General's Rules for Cadastral Survey  
 and this Surveyor-General's Rules for Cadastral Survey  
 and these Rules.  
 The dataset is accurate, and has been created in accordance with that Act  
 and these Rules.

Total Area 97.1m<sup>2</sup>  
 Comprised in GI-CB419/243

1. Edwin-Balfour-Taylor  
 being a person entitled to practise as a licensed cadastral surveyor, certify that:  
 a) The surveys to which this dataset relates are accurate, and were undertaken  
 by me or under my direction in accordance with the Cadastral Survey Act  
 2002 and the Surveyor-General's Rules for Cadastral Survey  
 b) The dataset is accurate, and has been created in accordance with that Act  
 and these Rules.

Signed *[Signature]* Date 13 June 2006

Field Book  
 Reference Plans DP-9, 9098, 77442, 81804 & 81930

Examined  
 Approved as to Survey by Land Information NZ on

Deposited by Land Information NZ on

File  
 Registered  
 Instructions

DP372338

3.7.06

Date June 2006

Scale 1: 200

Units Erected on Lot 9 DP9098

TERRITORIAL AUTHORITY Christchurch City

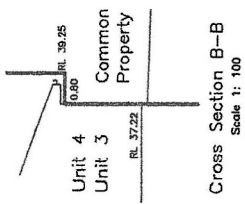
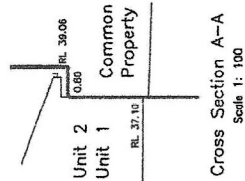
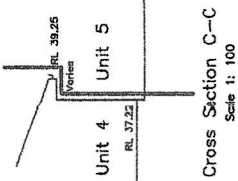
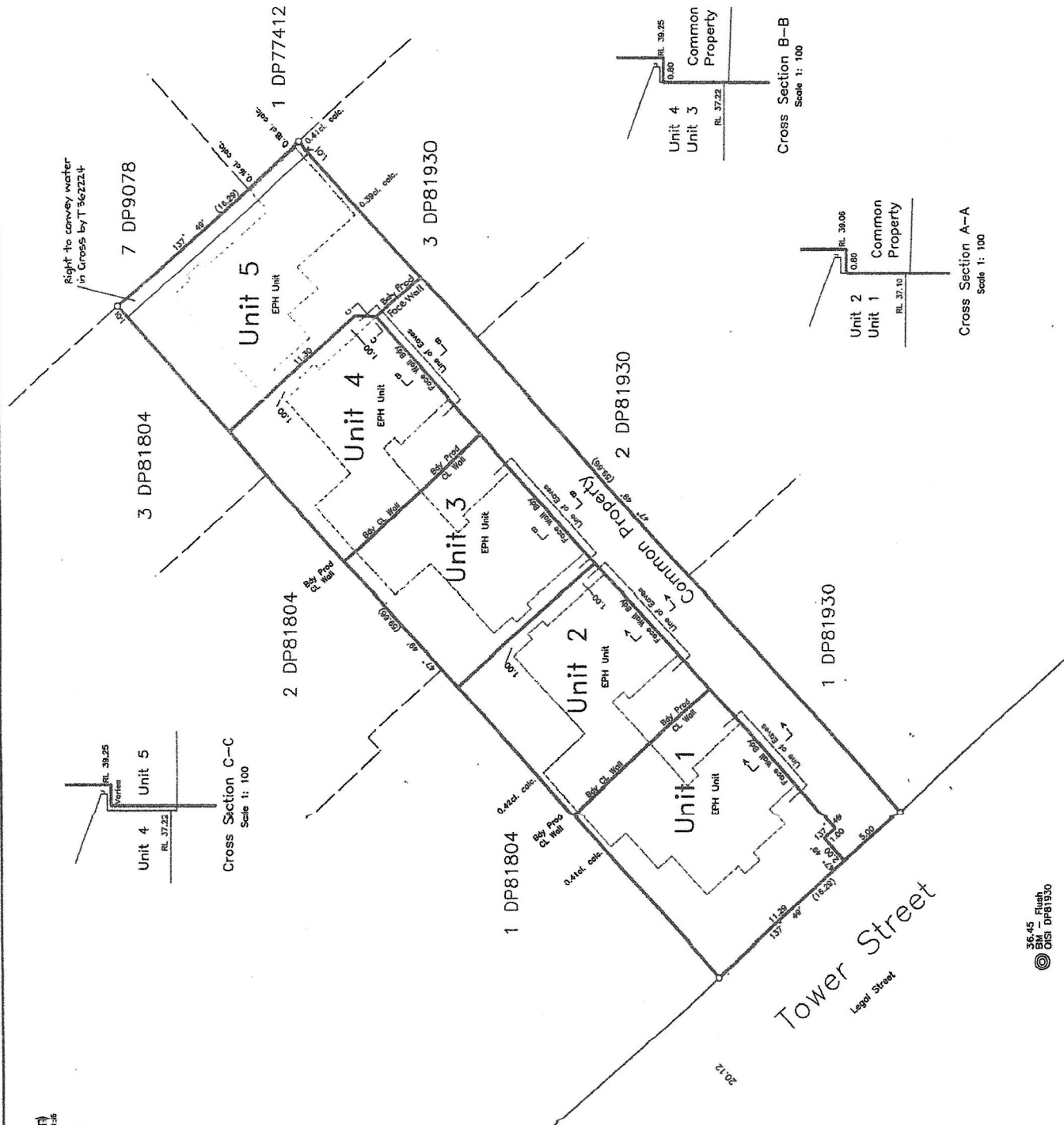
Surveyed by Balfour Taylor Limited 2843

Units Erected on Lot 9 DP9098

Canterbury

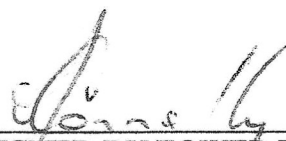
LAND DISTRICT

35.45  
 BM - Flush  
 DSI DP81930



TO: The District Land Registrar  
CANTERBURY REGISTRY

NOTICE IS HEREBY GIVEN that the Rules of the Body Corporate NO. 372338 Canterbury Land Registry were on the 31<sup>st</sup> day of July 2006 duly amended in manner set out herein in the First and Second schedules hereto.

  
\_\_\_\_\_  
SIGNED BY TOWER PROPERTIES LIMITED  
by its Director OWEN JOSEPH CONNOLLY