

Form 15 — Notice of change to body corporate operational rules

Sections 105 and 106, Unit Titles Act 2010

Unit plan: DP 184031
Body Corporate Number: 184031
Supplementary record sheet: NA114C/437

Background

By special resolution on 13 December 2011, Body Corporate 184031 resolved that the operational rules set out in Schedule 1 to the Unit Titles Regulations 2011 apply to it, and that they be amended (ss 105, 106 Unit Titles Act 2010).

Notice

The Body Corporate gives notice that the Body Corporate operational rules are changed as specified in the schedule of amendments.

The changes have been made in accordance with a special resolution at the Body Corporate Annual General Meeting held on 13 December 2011.

Schedule of amendments

REVOCATIONS

1. The operational rules set out in Schedule 1 to the Unit Titles Regulations 2011 are hereby revoked.

ADDITIONS

2. The following rules are hereby added to the body corporate schedule of rules:

RULES FOR BODY CORPORATE NUMBER 184031

PROPERTY AT 373 KHYBER PASS ROAD, EPSOM, AUCKLAND

BODY CORPORATE OPERATIONAL RULES

General Prohibitions

1. An owner or occupier of a unit (which term includes any associated accessory unit) must not:
 - (a) Damage or deface the common property or make any alteration to the colour scheme or appearance of the exterior of the unit which includes, *inter alia*, door knobs, door locks and the colour scheme of the exterior of the front door, or hang washing or place a sign outside those premises unless prior written permission has been obtained from the body corporate.
 - (b) Throw or allow any rubbish or litter to accumulate on or in any unit or on the common property, nor dispose of refuse anywhere except into bins or receptacles for removal either by the territorial authority or by independent contractors.
 - (c) Create noise likely to interfere with the use or enjoyment of the unit title development by other owners or occupiers.

- (d) Park on the common property unless the body corporate has designated it for car parking.
- (e) Interfere with the reasonable use or enjoyment of the common property by other owners or occupiers.
- (f) Ignite or permit any fire or incinerator to be ignited in or upon the unit or the common property or bring to, or keep anything in a unit which might increase the rate of fire insurance on the building.
- (g) Erect or fix to the unit any radio or television aerial or "satellite dish" without the prior written consent of the body corporate.
- (h) Carry out any repair work (other than minor maintenance work as determined by the body corporate in its sole discretion) on any motor vehicle located on any car parking unit.
- (i) Interfere with or obstruct the building manager from performing the building manager's duties.
- (j) Erect external blinds or awnings, nor hang internal curtains or blinds that are visible from outside the unit unless the colour and design of those curtains or blinds is approved by the body corporate; such approval will not be withheld on colour grounds if the colour used is cream, white or off-white. In giving such approval the body corporate shall ensure as far as is practicable that the curtains or blinds used in all units present a uniform and orderly appearance when viewed from outside the units. The owner shall as often as the need arise (in the opinion of the body corporate) replace at the owner's own cost any curtains or blinds in that unit.
- (k) Leave the unit inadequately secured when it is not occupied. In particular the owner or occupier shall securely fasten all doors and windows to the unit when it is left unoccupied, and allow the body corporate or the building manager to enter and fasten the same if left insecurely fastened.

Animals

2. An owner or occupier of any unit may keep animals or pets on, in, or around that unit with the prior written permission of the body corporate, which permission may be withdrawn at any time without reason.

General Obligations

3. An owner or occupier of any unit must:
 - (a) Dispose of rubbish hygienically and tidily.
 - (b) Keep clean and free from dirt and rubbish such parts of the common property or any public footpath or way that adjoins the unit.
 - (c) Not enclose or glaze any part of the balcony area and must maintain any deck, balcony or courtyard forming part of the unit in a neat and tidy condition and not place any item other than outdoor furniture and plants on the deck or balcony without the written prior approval of the body corporate.
 - (d) Comply with any requirements of the body corporate as to the security, control, or management of the common facilities such as letterboxes and clotheslines.

- (c) Keep clean all windows and replace any windows, shutters, awnings or doors which are broken, cracked or otherwise damaged with new glass or materials of the same pattern and quality.
- (f) Ensure that car parking units within the body corporate shall be kept tidy and free of all litter and shall not be used for storage of any kind.
- (g) Forthwith upon contracting to part with possession of the unit by any means other than by sale, give to the body corporate full particulars of the private address and telephone number of the tenant, lessee or other occupier, and shall keep the body corporate promptly informed of any change of such address or telephone number.

Costs

- 4. Where any owner breaches any body corporate rule or other obligation arising out of the Act or defaults on payment of any levy struck by the body corporate or on any other payment due to the body corporate then that owner shall be liable to the body corporate for all costs, penalties, charges, interest, secretarial, administrative or other charges including solicitor-client costs which the body corporate incurs either as a direct or incidental consequence of the owner's default, described in this rule ("Costs") and for the purposes of this rule, the registered owner of a unit shall be liable for any breach of the type contemplated by this rule by any guest, licensee, tenant, or occupier of or to the unit. For the purposes of this rule, reference to "owner" includes all of these categories of persons. Where the body corporate has incurred Costs and an owner or agent of an owner makes any payment whatsoever to the body corporate, then notwithstanding any purported direction by that person for the application of such payment, the body corporate may in its sole discretion apply that payment towards any outstanding levy or any Costs.
- 5. The body corporate shall be responsible for the prompt payment of water and waste water charges to Watercare Ltd or to any other provider of water services to or from the premises.

Body Corporate Management and Administration

- 6. The body corporate may:
 - (a) employ for or on its behalf such agents and servants as it thinks fit in connection with the control, management and administration of the body corporate and of its common property and in the exercise of its powers and duties.
 - (b) execute documents by seal and the affixation of the seal may be attested to by the body corporate's chairperson or by the secretary or by any two members of the body corporate's committee.

Date: [day, month, year]

27 March 2012

Signature of the body corporate:

(Chairperson)

TERRANCE GORDON NAYLOR LARKEN

Before me:

A. Larkin

[Full name of witness]

ANNE MARGARET LARKEN

(Body corporate member)

[Address of witness]

10 A HARRISFIELD PLACE

HAIRANGI BAY, 0830, A.K.D.

Note

Only amendments or additions to the body corporate operational rules that relate to those matters mentioned in section 106(1)(a) and (b) of the Unit Titles Act 2010 may be made. Any amendment or addition must comply with section 106(2) and (4) of that Act.