



## SCHEDULE A

*The Rules set out below shall be substituted in their entirety for the existing Rules. These rules together with any additions thereto or amendments thereof may be added to, amended or repealed by unanimous resolution of the Proprietors and not otherwise.*

### **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 that Proprietor's 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 PROVIDED the work is essential as confirmed by a qualified person in the relative field, and that the Unit is repaired and returned to as near as possible its condition and state existing before the work was done;
    - (iii) Maintaining, repairing or renewing any common property;
    - (iv) Ensuring that all rules are being observed;
    - (v) Maintaining, repairing or renewing any common wall or partition between units.
  - (b) Comply in all respects with all acts, by-laws and regulations for the time being in force in the area in which that Proprietor's unit is situated insofar as they relate to the use, occupation, or enjoyment of that Proprietor's unit.
  - (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 that Proprietor's unit to the satisfaction of that authority or body.
  - (d) Duly and punctually pay all rates, taxes and charges and other outgoings from time to time payable in respect of that Proprietor's unit to any local authority or public body and all sums properly levied in respect of that Proprietor's unit by the Body Corporate.
  - (e) Repair and maintain that Proprietor's unit (including the exterior structure, common walls and all electrical and plumbing equipment, drains and other amenities, facilities and services to the extent to which they form part of the unit) and keep it in sufficiently good order, repair and condition to ensure that no damage, harm or diminution of value or enjoyment shall occur in respect of the units owned by other members of the Body Corporate.

- (f) Make no additions or structural alterations to the unit without the consent of the Body Corporate.

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

2. The Body Corporate shall:

- (a) Repair and maintain all chattels, fixtures, fittings (including stairs and fire escapes), garden areas and all sealed and other surfaces including carparks and kerbing, channelling and drainage and any fire detection and fire fighting equipment, used or intended, adapted or designed for the use in connection with the common property and 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 evidence of the payment of the last premium paid in respect thereof.

3. The Body Corporate may:

- (a) Borrow any money necessary to enable it adequately to perform its duties or exercise its powers, subject to such borrowing having been approved at an Annual General Meeting or a Special General Meeting called for this purpose and approved by Special Resolution.
- (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 such accounts at such Banks as it sees fit and nominate for the purposes of this paragraph three persons including the secretary of whom any two may operate the account.
- (d) Enter into any agreement with the Proprietor or the 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 determined by Special Resolution.
- (f) Repair any apparatus or equipment referred to in Clause 1(a)(ii) and the cost attributable to such repairs shall be paid by the proprietor thereof to the Body

Corporate upon demand where such repairs are directly or indirectly occasioned by an act or omission of the said proprietor.

- (g) Settle and approve schemes for the exterior colour of the units.
- (h) Levy and require payment solely from a defaulting unit proprietor without the necessity of making an application pursuant to Section 33 of the Act or apportioning the liability to the unit proprietors as a whole for any fees, costs or expenditure incurred in the recovery of the contribution or of a lawful payment from such defaulting unit Proprietor.

For the purposes of this paragraph "a defaulting unit Proprietor" shall mean a proprietor whose unit or units substantially benefit from the repair, work or act carried out by the Body Corporate in pursuance of the Unit titles Act 1972, or by or under any other Act and the Proprietor does not pay the share or expenditure allocated to him by the Body Corporate, and also includes a proprietor where the negligent act or omission or breach by that Proprietor or by his tenant, lessee, licensee or invitee necessitates any repair or act to be carried out by the Body Corporate.

#### **Committee of the Body Corporate**

- 4. 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; PROVIDED THAT any expenditure of over \$5,000.00 not being expenditure which the Body Corporate is legally obliged or previously authorised to incur shall be referred to a general meeting, and if the share of the Proprietor or Proprietors of any principal unit in any expenditure that is referred to a general meeting exceeds \$500.00 that expenditure shall not be incurred unless it is approved by at least a three fourths majority of votes.
- 5. Until the first Annual General Meeting of the Body Corporate Ngai Tahu Property Limited shall constitute the Committee. Thereafter the Committee shall consist of such number of Proprietors, not being fewer than four, 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 the Body Corporate may by resolution at an extraordinary general meeting which takes place after the first Annual General Meeting remove any member of the committee before the expiration of that member's term of office and appoint another Proprietor in that member's 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 three.
- 9. If the number of committee members is reduced below the number which would constitute a quorum then 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 simple majority of votes. In the case of equality of votes the Chairperson for the time being shall have a casting vote as well as a deliberative vote.
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 meeting as it thinks fit PROVIDED THAT it shall meet when any member of the Committee gives to the other members not less than seven days notice of a meeting proposed by him, specifying the reasons for calling the meeting.
  - (b) Employ for and on the 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 relation to 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 including its income and expenditure. A copy of such accounts shall be sent to each Proprietor before each annual general meeting of the Body Corporate. It shall not be necessary for such accounts to be audited by an independent auditor unless a request is made at any general meeting of the Body Corporate by Proprietors entitled to 25% of the total unit entitlements of the units, requiring that the accounts be audited in which case it shall be obligatory that an audit be completed forthwith at the expense of the Body Corporate.

- (e) Prepare a financial budget for the ensuing year of all moneys proposed to be expended by the Body Corporate, a copy of such budget to be sent to each proprietor before each annual general meeting of the Body Corporate.
  - (f) Upon 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 the inspection at all reasonable times.
  - (g) Upon a requisition in writing made by the Proprietors entitled to 25% 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 the subsequent discovery that there was some defect in the election or appointment of any persons acting or that he was incapable of being or had ceased to be such a member.

#### **General Meetings of the 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 three months after the date of the deposit of the unit plan.
15. All general meetings of the Body Corporate other than annual general meetings shall be called extraordinary general meetings.
16. At least seven 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 notified at that persons last known place of residence or place of business in New Zealand, or by facsimile to that persons last known facsimile number, or by electronic communication to the last email address of that person notified to the Body Corporate.
18. At a general meeting of the Body Corporate the persons entitled, on ordinary resolution, to exercise the voting power in respect of not less than one third 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 the Body Corporate:
  - (a) Where a unanimous resolution is required each person who is a Proprietor shall be entitled to exercise one vote.
  - (b) In all other cases one vote only shall be exercised in respect of each principal unit and no separate vote shall 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 this fact without proof of the number or proportion of votes recorded for or against the resolution.
26. Any votes to be cast at a general meeting of the Body Corporate may be exercised personally or by proxy. Where two 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.
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 the 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 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 and at such remuneration and upon such conditions as it may approve, and any secretary so appointed 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 secretary shall have the right to attend and be heard.
31. The function of the secretary shall be to keep proper books of account in which shall be kept full, true and completed 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.
32. The secretary shall in each year prepare a balance sheet showing the Body Corporate's financial dealing during that year, and shall, prior to each annual general meeting, send a copy of the latest balance sheet to every Proprietor.

### **Miscellaneous**

33. 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 two members of the committee, or, if there is only one proprietor by that proprietor.
34. 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 14 days notice specifying the intention to propose the resolution as a special resolution has been given.
35. Where a resolution is proposed as a special resolution, the vote at the meeting shall be taken in the same way as if it had been proposed as an ordinary resolution and a poll had been demanded, PROVIDED THAT a special resolution shall be deemed not to be carried unless the 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.
36. Notwithstanding anything to the contrary contained in these rules, anything that may be done by the Body Corporate in accordance with these rules may be done in the same manner and any resolution may be passed without a meeting or any previous notice being given, by means of an entry in the minute book signed by all the Proprietors or their duly appointed proxies having the right to vote on that resolution

and comprising the Proprietors for the time being of all the units. It shall not be necessary for the Body Corporate to hold an annual general meeting or an extraordinary general meeting if everything required to be done at that meeting is, in the time prescribed for the holding of the meeting, done by means of an entry in the minute book signed in accordance with this clause. A memorandum pasted or permanently fixed in the minute book and signed by members of the body Corporate shall be deemed to be an entry accordingly and any such entry may consist of several documents in like form each signed by or on behalf of one or more such Proprietors.

37. Any Proprietor that is an incorporated body shall:
- (a) Appoint from time to time by Deed a natural person as its representative (and at least one alternative representative) to represent it at meetings under these rules; and
  - (b) Keep the Committee informed of its registered address giving at least seven days advance notice of any change of address; and
  - (c) Reimburse the Body Corporate any costs and expenses incurred as a result of its failure to comply with this.
38. (a) The Committee may from time to time specify the contributions towards insurance and all other outgoings referred to in the Unit Titles Act 1972 and such contributions shall be payable in the manner and at the times specified by the Committee.
- (b) The Committee may determine that the contributions shall be payable by automatic bank authority to such accounts as the Committee shall decide and each Proprietor shall establish and maintain such authorities in effect at all times.
39. The Committee shall obtain from a registered valuer a valuation for insurance purposes prior to each renewal of the Body Corporate insurance and the costs incurred in connection with such valuation shall be deemed part of the insurance premium for the purpose of recovery of the same by the Body Corporate.
40. The exterior of the buildings and structures comprised in the principal units, accessory units and common property shall be fully redecorated and/or repaired by the Proprietors whenever the Committee considers that such redecoration and/or repair is necessary to maintain the standard of the buildings and layout as a whole.
- The Committee may retain a firm of architects to prepare designs and to advise on redecoration and/or repair and the architects decisions as to colours and/or the nature of the repairs and all aspects of budgeting for the works and carrying out of the works shall be binding on all Proprietors. All costs shall be borne proportionately by the Proprietors of the units which require decoration and repair.
41. A proprietor shall not in any way alter, add to, change or in any way detract from the external appearance of his unit and in particular, but not by way of limitation, shall not

alter colour schemes, change or alter doors, windows, or letter boxes or add to or demolish fences or walls, without the previous written consent of the Body Corporate.

42. 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.
43. For the purposes of these rules, and where not inconsistent with the context, the word "unit" shall include all accessory units used with that unit.

AMENDMENTS TO THE THIRD SCHEDULE  
TO THE UNIT TITLES ACT 1972

*The Rules set out below shall be substituted in their entirety for the existing Rules. These Rules and any additions thereto or amendments thereof may be added to, amended or repealed by resolution of the Body Corporate at a general meeting.*

1. A Proprietor or occupier or any unit shall not:
  - (a) Use or permit that Proprietor's unit to be used for any purpose which is illegal or may be injurious to the reputation of the Body Corporate.
  - (b) Bring into or keep in any unit or on the common land any pet or animal which may unreasonably interfere with the quiet enjoyment of the other proprietors or occupiers or which may create a nuisance;
  - (c) 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;
  - (d) Allow trees or roots to encroach under, upon or above any other unit or the common property, or to allow any tree to grow to a height which in the opinion of the Committee unreasonably interferes with the views from any other unit;
  - (e) Deposit or throw upon the property 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;
  - (f) Hang any washing, towels, bedding, clothing or other article on any part of the unit (other than on a clothesline designed for this purpose) in such a way as to be visible from outside the unit;
  - (g) Except with the approval in writing of the Committee 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;
  - (h) Park or stand any motorcar or other vehicle upon the common property except for the purposes of loading and unloading. Proprietors' and occupiers' vehicles are to be parked in garages or boat parks where available. Garage doors are to be kept closed whenever possible;
  - (i) Damage any lawn, garden, tree, shrub, plant or flower situated upon the common property;
  - (j) Mark, paint, drive nails or screws or the like into, or otherwise damage or deface any structure that forms part of the common property without the approval in writing of the Committee.

2. A Proprietor or occupier of any unit shall:
  - (a) 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;
  - (b) Keep clean all glass windows and doors on the boundary of the unit including so much thereof as is common property;
  - (c)
    - (i) Maintain within the unit in clean and dry condition an adequate covered receptacle for garbage;
    - (ii) Ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained;
    - (iii) Promptly remove anything which he or the refuse collector may have spilled from the receptacle and take such action as may be necessary to clear the area within which the spillage occurred.
  - (d)
    - (i) Ensure that garbage bags or containers deposited on the roadside awaiting collection are in sound condition and securely closed;
    - (ii) Ensure that garbage bags are placed on the roadside in good time for collection on the collection date;
    - (iii) Ensure that household goods and material of any kind other than garbage containers are not deposited on the roadside.
  - (e) Leave in a clean and tidy condition any of the common property which may have any mud or residue as a result of a proprietor or occupier washing down his vehicle.
3. The Committee may from time to time make regulations that will remain in effect until the next annual general meeting or extraordinary general meeting at which time the regulations made by the Committee shall be put before the Body Corporate to either be adopted as an amendment to the Third Schedule to the Unit Titles Act or alternatively rejected in which case such regulation shall have no further force to effect. The Committee may, pursuant to the foregoing power, make regulations for all or any of the following purposes:
  - (a) regulating the use or enjoyment of the common property and its amenities;
  - (b) ensuring or enhancing the use and enjoyment by the proprietors of their respective units;
  - (c) prohibiting practices likely to cause damage to or misuse of the common property and promoting practices that are likely to preserve and improve buildings, installations, equipment and apparatus comprised or contained in the common property;

- (d) maintaining good relations between proprietors and occupiers;
  - (e) maintaining the grounds and gardens of the common property in a neat and tidy condition and preserving and enhancing the character and appearance of buildings and common areas.
4. The Committee shall retain a firm of solicitors and/or architects (as the Committee deems appropriate) to advise the Committee when it makes a regulation pursuant to Clause 3.
  5. Regulations made by the Committee under Clause 3 shall have the same status and effect as rules established under the Third Schedule to the Unit Titles Act 1972. Notwithstanding the foregoing, regulations made by the Committee pursuant to Clause 3, shall not overrule any other rules established under the Second and Third Schedules to the Unit Titles Act 1972.
  6. All differences and disputes which may arise between the proprietors and/or occupiers, or between proprietors and/or occupiers and the Committee touching or concerning these Rules or any act or thing to be done suffered, or omitted in pursuance hereof, or touching or concerning the construction of these Rules, except as otherwise expressly provided, shall be referred to the arbitration of a single arbitrator agreed upon by the parties, or failing agreement by an arbitrator appointed by the President for the time being of the Canterbury Branch of the New Zealand Law Society or his nominee, with such arbitrator to reach a determination on the dispute in accordance with the provisions of the Arbitration Act 1996 or any amendment thereto or any enactment thereof for the time being in force. The decision of the Arbitrator shall bind all parties to the dispute. The Arbitrator shall be entitled to levy costs against particular proprietors and/or against the Body Corporate as is determined by the Arbitrator in his sole discretion.

Correct for the purposes of the  
Land Transfer Act

Body Corporate No \_\_\_\_\_

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Solicitor for the Registered Proprietor

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NOTICE OF CHANGE OF RULES

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SAUNDERS & CO  
SOLICITORS  
CHRISTCHURCH