

## PRESENTERS



### **Liza Fry-Irvine, Senior Associate, Pidgeon Law, Auckland**

Liza has specialist legal expertise in unit title and body corporate matters and the Unit Titles Act 2010. She provides advice to bodies corporate and their committees, individual unit owners, body corporate managers, building managers, vendors, purchasers, developers and surveyors on all aspects of unit titles, management, maintenance and repairs, compliance with the old and new acts, body corporate rules and body corporate manager service contracts.



### **Tim Jones, Partner, Glaister Ennor, Auckland**

Tim heads the firm's Land Development and Property team and as a partner at Glaister Ennor for over 30 years he has extensive experience advising clients in residential and commercial property transactions. This includes major land development projects in the Auckland area and nationally. Tim is frequently called to give expert evidence in relation to property and conveyancing issues.

### **Acknowledgement**

*This webinar is sourced from the NZLS CLE Ltd, In Short presentation, Challenges for Bodies Corporate, (12 May 2015), presented by Liza Fry-Irvine and Vicki Toan.*

*The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

Cover and text stocks used in this publication are from Forestry Stewardship Council certified mills, manufactured under the environmentally responsible paper manufactured environmental management system ISO 14001, using pulp from well managed forests and other controlled sources.

# CONTENTS

<b>THE REPAIR AND MAINTENANCE REGIME .....</b>	<b>1</b>
INTRODUCTION .....	1
UNIT TITLES AMENDMENT ACT 2013 .....	2
HOW DOES THE REPAIR AND MAINTENANCE REGIME WORK? .....	2
WHO OWNS THE AREA BEING REPAIRED OR MAINTAINED? .....	2
WHO HAS THE OBLIGATION TO REPAIR AND MAINTAIN IT, THE BODY CORPORATE OR THE UNIT OWNER? ..	3
<i>WHEELDON V BODY CORPORATE 342525</i> .....	4
OTHER POINTS TO NOTE WHEN ASCERTAINING WHO HAS THE OBLIGATION TO REPAIR.....	7
WHO HAS THE OBLIGATION TO PAY FOR THE REPAIRS, AND WHEN? .....	8
REMEDIAL WORKS AGREEMENTS .....	10
SECTION 74 SCHEMES .....	11
TIPS WHEN ADVISING ON THE SALE OR PURCHASE OF A UNIT .....	12
<b>LONG-TERM MAINTENANCE AND DECISION-MAKING .....</b>	<b>13</b>
LONG-TERM MAINTENANCE REGIME .....	13
SHORT COMINGS OF THE REGIME .....	14
WHAT'S HAPPENING IN PRACTICE .....	15
LONG-TERM MAINTENANCE PLANS AND THE DISCLOSURE REGIME .....	16
CASE STUDY ONE .....	17
<i>Facts</i> .....	17
<i>Issues</i> .....	17
<i>Good Governance</i> .....	18
CASE STUDY TWO .....	19
<i>Facts</i> .....	19
<i>Issues</i> .....	20
<i>Governance Points</i> .....	20
<b>APPENDIX 1 - UNIT PLAN 119579 .....</b>	<b>21</b>

