

PRESENTER



Liza Fry-Irvine, 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, 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.

The statements and conclusions contained in this paper 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.

CONTENTS

UNIT PLANS AND COMMON PROPERTY	1
INTRODUCTION	1
WHAT IS COMMON PROPERTY AND WHERE IS IT ON THE UNIT PLAN?	2
OWNERSHIP OF COMMON PROPERTY	3
GRANTING RIGHTS TO USE AND ALTER COMMON PROPERTY	3
<i>Recent case law on alterations to common property</i>	5
CONVERTING COMMON PROPERTY TO AN ACCESSORY UNIT CARPARK.....	5
<i>Common property licence</i>	7
<i>Entry into a common property licence and covenant</i>	8
<i>Common property licence terms</i>	8
EASEMENTS, COVENANTS AND COMMON PROPERTY.....	9
<i>Easements and Covenants relating to a unit</i>	9
DESIGNATED RESOLUTION PROCEDURE	10
ENCROACHMENTS AND UNIT PLANS.....	11
<i>Encroachments outside the unit plan</i>	11
<i>Encroachments within the unit plan</i>	12
CONCLUSION	12