



Unit Titles Amendment Act 2013

Public Act 2013 No 140
Date of assent 4 December 2013
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Unit Titles Amendment Act 2013.

2 Commencement

The following provisions of this Act come into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Unit Titles Act 2010 (the **principal Act**).

4 Section 5 amended (Interpretation)

In section 5(1), replace the definition of **access lot** with:

“**access lot** means a separate allotment that was created or currently exists to provide access between an existing road and—

“(a) a unit title development; or

“(b) a unit in a unit title development”.

5 Section 30 amended (Alteration of proposed unit development plan)

In section 30(1)(b), replace “any of sections 65 to 71” with “subpart 10 of this Part”.

6 Section 39 amended (Utility interest (other than for future development units))

Replace section 39(2) with:

- “(2) The utility interest for a principal unit or accessory unit is the same as the ownership interest fixed under section 38(2), unless the utility interest—
- “(a) is fair and equitable, having regard to the relevant benefits and the costs to units, and is shown on documentation required to be lodged with the unit plan deposited under section 17(1), 21(1), or 24(2)(a); or
 - “(b) has been reassessed under section 41.”

7 Section 55 amended (Access lots)

Replace section 55(1)(a) with:

- “(a) the base land to which a unit plan relates has an access lot associated with it; and”.

8 Section 56 amended (Sale, lease, or licence of common property)

- (1) In section 56(1) and (2), after “lease or licence over”, insert “the whole or any”.
- (2) In section 56(3), after “sell”, insert “the whole or any”.

9 Section 60 amended (Existing easements and covenants affecting base land)

In section 60(3), after “by the easement”, insert “or covenant”.

10 Section 86 amended (Power of body corporate to sign document)

In section 86(5), replace “pursuant to subsection (3)” with “pursuant to subsection (4)”.

11 Section 89 amended (Requirement for annual general meeting)

Replace section 89(1) with:

- “(1) The first annual general meeting of a body corporate must be held as soon as practicable, and in any event within 6 months after the earlier of the following dates:

- “(a) the date of the deposit of the unit plan:
- “(b) the date of the settlement of the first sale of a unit.”

12 Section 100 amended (Counting of votes if poll requested)

In section 100(3), replace “50%” with “a majority”.

13 Section 104 amended (Passing of resolution without general meeting)

In section 104(3), replace “not less than 50% of eligible voters in respect of an ordinary resolution or 75% of eligible voters in respect of a special resolution” with “a majority of eligible voters in respect of an ordinary resolution, and not less than 75% of eligible voters in respect of a special resolution.”.

14 Section 127 amended (Recovery of money expended where person at fault)

In section 127(1), replace “body corporate rules” with “body corporate operational rules”.

15 Section 138 amended (Body corporate duties of repair and maintenance)

(1) Replace section 138(1) and (2) with:

“(1) The body corporate must repair and maintain—

- “(a) the common property; and
- “(b) any assets designed for use in connection with the common property; and
- “(c) any other assets owned by the body corporate; and
- “(d) any building elements and infrastructure that relate to or serve more than 1 unit.”

(2) In section 138(4), after “repairs to”, insert “or maintenance of”.

(3) In section 138(5)(b), after “development”, insert “; and”.

(4) After section 138(5)(b), insert:

- “(c) the duty to repair and maintain includes (without limitation) a duty to manage (for the purpose of repair and maintenance), to keep in a good state of repair, and to renew where necessary.”

16 Section 144 amended (Interpretation)

In section 144, insert in its appropriate alphabetical order:

“**contain**, in relation to information or any certificate to be contained in any disclosure statement, includes attaching the information or certificate to, or in any other way incorporating it so it forms part of, the disclosure statement”.

17 Section 147 amended (Pre-settlement disclosure to buyer)

In section 147(3)(b), delete “or be accompanied by”.

18 Section 148 amended (Buyer may request additional disclosure)

- (1) In section 148(1), after “**statement**”, insert “or may request some, but not all, of the information required to be in an additional disclosure statement (**specific prescribed information**)”.
- (2) In section 148(4), after “prescribed information”, insert “or, if the buyer has requested only specific prescribed information, the specific prescribed information requested”.
- (3) In section 148(5), after “statement”, insert “or specific prescribed information”.

19 Section 166 amended (Expiry of lease)

- (1) In section 166(1), replace “Despite section 50(c), the term” with “The term”.
- (2) In section 166(3), replace “Despite section 50(c), at any time” with “At any time”.
- (3) In section 166(5), replace “The Registrar, on receiving the certificate, if the Registrar is satisfied that the term of the lease or any extended or renewed term has expired, and subject to the provisions of subsection (6), must—” with “On receiving a certificate of expiry, if the Registrar is satisfied that the term of the lease or any extended or renewed term has expired, he or she must—”.
- (4) Replace section 166(7) with:
“(7) If the Registrar is served with a copy of an application under subsection (6), the Registrar may not take any action referred

to in subsection (5) unless or until the Registrar is satisfied that the application for relief has been withdrawn or refused.”

20 Section 171 amended (Jurisdiction of Tenancy Tribunals)

(1) After section 171(1), insert:

“(1A) To avoid doubt, and without limiting subsection (1), a unit title dispute may relate to a claim for unpaid levies.”

(2) After section 171(3), insert:

“(3A) Without limiting the provisions of the Residential Tenancies Act 1986 that apply to a Tenancy Tribunal by virtue of section 176 of this Act, a Tenancy Tribunal may, in relation to a unit title dispute within its jurisdiction under this section, do any of the following:

“(a) order any party to do anything necessary to remedy a breach by that party of an obligation arising under this Act, the body corporate operational rules, or any agreement that is binding on the party and relevant to the unit title dispute:

“(b) order any party to refrain from doing anything that would constitute a breach of an obligation arising under this Act, the body corporate operational rules, or any agreement that is binding on the party and relevant to the unit title dispute:

“(c) make any supplementary orders of a consequential or ancillary nature necessary to exercise or perfect the exercise of any of its jurisdiction.”

21 Section 173 amended (Jurisdiction of High Court)

After section 173(1), insert:

“(1A) In addition to the jurisdiction conferred under subsection (1), the High Court also has jurisdiction to hear and determine a unit title dispute relating to the application of insurance money under section 136(4) for amounts in excess of \$50,000.”

22 Section 210 amended (General relief for minority where resolution required)

After section 210(1), insert:

“(1A) Subsection (1) does not apply if the resolution is a designated resolution.”

23 Section 211 amended (Relief in cases where special resolution required)

After section 211(1), insert:

“(1A) An application for relief under subsection (1) must be made within 28 days of the close of voting on the resolution. (However, this subclause does not apply if the close of voting was before this subsection comes into force.)”

24 Section 213 amended (Notices of designated resolutions)

In section 213(5), delete “has made an application for relief under section 210 or”.

Legislative history

11 June 2013	Divided from Statutes Amendment Bill (Bill 89–2) by Government Administration Committee as Bill 89–2A
10 July 2013	Second reading
19 November 2013	Committee of the whole House, third reading
4 December 2013	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.
