

ADLS CPD



ADLS/SCA (NZ) Unit Titles/Bodies Corporate Half-Day Conference



Thursday, 27 September 2018
12.15pm - 4.30pm

Ellerslie Event Centre, Auckland
4 CPD hours

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Property 101 Group
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12.15 - 12.20pm **Introduction and Welcome by the Chair**
Thomas Gibbons, Director, McCaw Lewis

12.20 - 12.50pm **The Flawed Concept of Utility Interests and their Reassessments**

Utility interests are a fundamental aspect of unit title developments. The rules surrounding them and their reassessment can sometimes be complicated and lead to disputes. This session, presented by a property lawyer and a valuer will look at the way utility interests are dealt with under the Unit Titles Act 2010 and provide insights into how best to go about them.

Tim Jones, Barrister
Trevor Walker, Registered Valuer, Director, Telfer Young

12.50 - 1.20pm **Purchasing Unit Title Properties: Avoiding the Pitfalls**

Buying unit title properties, whether in existing developments or off the plan, requires due diligence and a clear understanding of the main issues that arise in these transactions. This presentation will examine potential traps for purchasers as well as the obligations on vendors when selling.

Jeanne Heatlie, Partner, Rainey Law
Doug Wilson, Senior Body Corporate Manager, Strata Title Administration

1.20 - 1.55pm **Putting the Spotlight on Air BnB and Short-term Accommodation**

The use of units for short-term accommodation, such as Air BnB, is here to stay. Bodies Corporate and unit owners need to understand their rights and obligations, as well as the implications of this use on the complex. The presenters will explore this issue from a planning and legal perspective to assist lawyers and their clients.

Liza Fry-Irvine, Partner, Pidgeon Law
Hamish Firth, Director, Mt Hobson Group

1.55 - 2.25pm **Fighting Fires: Problems and Possible Solutions**

Following on from tragedies overseas, a focus on fire defects in the context of unit titles in New Zealand seems appropriate. This session, presented by a lawyer and an architect, will consider some of the issues relating to fire defects that are commonly found in local developments and look at the ways in which these may be dealt with.

Paul Grimshaw, Partner, Grimshaw and Co
Scott Cracknell, Principal, Context Architects

2.25 - 2.40pm **Afternoon Tea**

2.40 - 3.10pm **Covenants and Encumbrances in the Context of Unit Titles and Bodies Corporate**

As a result of court decisions and the Unit Titles Act 2010, rules are no longer used as a way of dealing with such matters as entrenching, letting, management and redevelopment rights. Developers now look to covenants and other encumbrances to deal with these matters as well as compelling owners to join incorporated societies. This session will focus on the use of covenants and encumbrances in the context of unit titles and Bodies Corporate.

Joanna Pidgeon, Partner, Pidgeon Law
Chris Newman, General Manager, Auckland Body Corporate

3.10 - 3.35pm **Recent Cases: A review**

This session will consider a number of recent decisions relating to Bodies Corporate and unit titles and provide analysis and insights into them. We continue to see important issues emerging, including around maintenance and the reconciliation of ss 126 and 138; schemes under s 74; the nature of a Body Corporate, and how it makes decisions; specific statutory points such as s 206; and ongoing difficulties with particular buildings. Relevant case law includes *Body Corporate 199380 v Cook* [2018] NZHC 1244, *Manchester Securities Ltd v Body Corporate 172108* [2018] NZSC 19, the Yee Good Fortune and Bridgewater line of cases, *Body Corporate S73368 v Otway (Wright)* [2016] NZHC 1070, *Maiden v Body Corporate 46112* [2018] NZHC 1219 and *Young v Body Corporate 85659* [2018] NZHC 849.

Thomas Gibbons, Director, McCaw Lewis

3.35 - 4.05pm **Benefit Assessments (The Dramas of s 126)**

The decision in *Body Corporate 199380 v Cook* [2018] NZHC 1244 has potentially significant implications for a Body Corporate's treatment of payment for repair and maintenance work. The High Court has departed from previous orthodoxy regarding the recovery of repair and maintenance costs, requiring Bodies Corporate and committees to undertake a close assessment of the benefit of repairs. This session will look at what requirements are now imposed on Body Corporate decision-makers to determine what is fair between unit owners in each circumstance and the legal and practical difficulties arising from this approach.

Clinton Baker, Partner, Price Baker Berridge
Paula Beaton, General Manager, Body Corporate Administration Ltd

4.05 - 4.25pm **Panel Discussion: Quo Vadimus**

4.25 - 4.30pm **Closing from the Chair**

4.30pm onwards **Networking Function**

Chair and Presenters' Biographies



Chair: Thomas Gibbons
Director, McCaw Lewis

Thomas is a director of McCaw Lewis Limited. He focuses on property law including unit titles, subdivisions, land development, and infrastructure issues. He regularly advises other lawyers and has given expert evidence in the High Court. Thomas is the author of *Unit Titles Law & Practice*. He has presented at numerous conferences and sits on the Property Transactions Committee and the national council of the Property Council, New Zealand.



Tim Jones
Barrister

Tim, a barrister at Chancery Street Chambers, was previously the head of Glaister Ennor's Land Development and Property team and a former President of the NZLS Auckland Branch. He was, until recently, the Convenor of the ADLS Documents and Precedents Committee. Tim has advised clients in residential and commercial transactions, and Bodies Corporate on a wide range of matters.



Trevor Walker
Registered Valuer, Director, Telfer Young

Trevor is a registered valuer and director of Telfer Young Auckland and has been valuing for 35 years. He now undertakes mainly commercial valuation work in the Auckland region specialising in such areas as compensation valuations, subdivisions and leasehold interests. Trevor has presented on property matters at several conferences and has been a guest lecturer at the AUT Law school.



Jeanne Heatlie
Partner, Rainey Law

Jeanne is partner at Rainey Law. She has represented Bodies Corporate and homeowners in building defect and weathertightness cases and was part of the successful team on the Nautilus litigation. Jeanne has been involved in some of the leading cases in unit title law and provides advice on all Body Corporate and construction related issues.



Doug Wilson
Senior Body Corporate Manager, Strata Title Administration

Doug Wilson is Strata Title Administration Ltd (Strata) Senior Body Corporate Manager. His present role involves oversight of Strata's Body Corporate Manager team who chair general meetings on a range of issues. He also works closely with chairpersons and committees, attending committee meetings and maintaining daily communication.



Liza Fry-Irvine
Partner, Pidgeon Law

Liza is a partner with Pidgeon Law. She specialises in legal advice on unit title and Body Corporate matters and the Unit Titles Act 2010. Liza regularly presents on Body Corporate topics. She is a member of ADLS' Property Law Committee and was invited to draft the ADLS model operational rules.



Hamish Firth
Director, Mt Hobson Group

As Managing Director for Mt Hobson Group, a consultancy specialising in consent solutions, Hamish Firth has extensive commercial, industrial and residential resource management experience. His work has included approval of large apartment developments, sensitive heritage building restoration and conversions, subdivisions, and mixed-use developments.



Scott Cracknell
Principal, Context Architects

Scott works with many of New Zealand's leading developers and largest home-builders. He leads Context Architects' remediation team, currently working on five projects totalling more than 300 homes. Scott is a keen proponent of immersive digital client experiences for better outcomes and sees the benefits first-hand for clients on large residential projects.



Paul Grimshaw
Partner, Grimshaw & Co

Paul Grimshaw is a partner at Grimshaw & Co, one of New Zealand's leading dispute resolution law firms. The firm acts for approximately 6,000 owners throughout New Zealand. It has taken cases all the way to the Supreme Court to establish that the council owes a duty of care to owners of buildings (commercial and residential) to ensure that buildings comply with the Building Code.



Joanna Pidgeon
Partner, Pidgeon Law

Joanna, a partner of Pidgeon Law, advises a range of clients, including investors, developers, project managers, construction companies and Bodies Corporate, on property and commercial law. She is an expert on the Unit Titles Act 2010 and the rules and administration of Bodies Corporate. Joanna is President of ADLS and a trustee of the Auckland City Mission.



Chris Newman
General Manager, Auckland Body Corporate

Chris is General Manager at Auckland Body Corporate and has over 15 years' experience in the strata industry. He has significant experience in Body Corporate management, both commercial and residential. Chris is a member of SCA (NZ) and Body Corporate Chairs Group, and serves as an approved SCA (NZ) trainer and presenter to BCCG.



Clinton Baker
Partner, Price Baker Berridge

Clinton, on the SCA (NZ) executive and a partner of Price Baker Berridge, specialises in unit titles and Bodies Corporate issues. He also works on s 74 schemes, remedial works, litigation and intra-body corporate disputes including enforcement powers owed by Bodies Corporate, committees and individuals. Clinton provides assistance with redevelopments and advises on building encroachments and easements, and land covenants in relation to unit titles.



Paula Beaton
General Manager, Body Corporate Administration Ltd

Paula is the general manager of Body Corporate Administration Ltd which manages multi-unit properties. She is a trainer for SCA (NZ) and has been involved with assisting clients with s 74 schemes, building remediation, earthquake strengthening and general upgrades. Paula has also been involved in facilitating solutions for multi-units, whether in respect of unit titles or with free-holding.

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Thursday, 27 September, 12.15pm - 4.30pm

In Person

Ellerslie Event Centre
80-100 Ascot Avenue
Greenland East
Auckland

Via live stream

At your desk or on your
portable device

Early Bird Rates (Ends 14 September 2018):

ADLS/SCA (NZ) Members \$290 + GST
(\$333.50 incl. GST)

Non-members \$350 + GST
(\$402.50 incl. GST)

Standard Rates (From 15 September 2018):

ADLS/SCA (NZ) Members \$335 + GST
(\$385.25 incl. GST)

Non-members \$400 + GST
(\$460.00 incl. GST)

Register online at adls.org.nz/cpd

Send your registration to: **Other registration options:**

PO Box 58
Shortland Street
Auckland 1140
DX CP24001

Phone: 09 303 5278
Fax: 09 309 3726
Email: cpd@adls.org.nz

Who is attending?

Firm: _____

Attendee: _____

Email: _____

Attendee: _____

Email: _____

Attendee: _____

Email: _____

Telephone: _____

Payment Method:

Charge to firm account

Cheque enclosed

Charge to personal account

For credit card payments please contact us

Payment total: _____

(incl GST)

Purchase order number: _____

(if required)

Authorised signatory: _____

Cancellation Policy: Registrations can be cancelled up to 5 working days before the date of the conference upon which a refund will be made, less a \$100 administration fee. No refunds will be made after that time, however, you may send someone else in your place.

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