

# inbrief

GLAISTER ENNOR BODY CORPORATE UPDATE

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## NEED A SCHEME?

Leaky building? Significant repairs? Large-scale maintenance project?

A body corporate facing significant building works to repair building defects and associated damage, or replace building components at the end of their useful life may be able to rely on the default statutory provisions of the Unit Titles Act 2010 ("UTA") to complete the work. Alternatively, it may be either necessary or desirable to turn to section 74 of the UTA and establish a reinstatement scheme.

While the default statutory provisions may be sufficient in some cases, bodies corporate (and unit owners) continue to find the flexibility, structure and certainty conferred by reinstatement scheme of value.

A body corporate or unit owner can apply to the High Court to establish a reinstatement scheme where a unit title building has been damaged or destroyed. A scheme must be appropriate for the building, the works required, and above all, the terms of the scheme must be fair to all owners. This does not mean that all owners must be treated equally, but that they must be treated fairly or equitably as a whole.

There are many benefits of a scheme including the ability to step outside the provisions of the UTA where it is appropriate and fair to do so. The most common departure from the UTA is the application of a project-specific cost allocation methodology for the costs of the building work. Schemes can also address decision-making, disputes, and liability.

If your building requires significant building work, we would love to help. Please contact Vicki Toan or Kishen Kommu for more information.

## DECEMBER 2017

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## TIM JONES RETIRES FROM GLAISTER ENNOR



**Tim Jones has advised that after 37 years with Glaister Ennor he is to retire from the firm.**

During his time at Glaister Ennor Tim has built a significant practice of private clients and has become an acknowledged expert in property development. He is regarded as an expert in property law by the legal fraternity and throughout the real estate business world.

Tim has been an active member of the Auckland District Law Society and the New Zealand Law Society where he is currently serving as Vice President.

One of Tim's lasting achievements is as one of the parties responsible for the drafting of the ADLS agreement for sale and purchase of property which is now used for the sale and purchase of real estate throughout New Zealand.

Tim will leave Glaister Ennor on 31st March 2018 to practice as a barrister practicing in property law. Glaister Ennor will maintain a close relationship with Tim and will be instructing him on specialist property law matters as required.

Mark Szigetvary will look after Tim's private clients following his departure and his development clients will form part of Stephanie Harris's practice. Anthea Coombes and Stephanie Lau will be joining Stephanie's team to enable them to continue to serve the needs of development clients. Vicki Toan will look after Tim's Body Corporate clients and unit titles practice.

Clients of Tim should feel free to ring Mark Szigetvary or Stephanie Harris or Vicki Toan to discuss any future needs or requirements. If in doubt, please ring Tim's secretary Evie who will ensure that you are referred to the most appropriate person.

The partners of Glaister Ennor thank Tim for the many years of service to the firm and wish him well for the future.



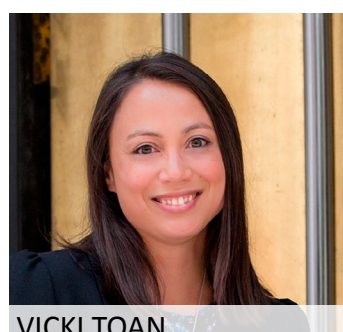
## MATTERS ADVISED ON

**We have recently advised bodies corporate, unit owners, and developers on:**

- **cancellation of unit plans**
- **designated resolution processes**
- **covenants and easements**
- **operational rules and the use of unit property**
- **dispute resolution**
- **debt recovery**

## CONTACT US

*For specialist legal advice and assistance, please contact Vicki or Paul.*



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