



Property Update

Tawa to Pukerua Bay

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CALL OR EMAIL FOR YOUR LOCAL AREA PROPERTY REPORT

Who is responsible for repairs and maintenance in a unit title complex?

A couple had bought an apartment in a unit titled complex as part of their retirement plan. When they bought it there were no known weathertightness issues with the complex.

Years later, a unit on the other side of the complex started to leak and invasive reports showed the source of the problem was the cladding: a full replacement of the cladding on the Western side of the building was required.

The couple were told by the Body Corporate that they needed to pay their share of the cladding replacement based on their utility interest, even though their apartment was East-facing and not currently experiencing any weathertightness issues.

Who pays for repairs?

It is the responsibility of the Body Corporate to repair and maintain the common property and any building elements and infrastructure that relate to or serve more than one unit under section 138 of the Unit Titles Act.

Owners are required to meet the cost upfront, based on their utility interest in the building, and the Body Corporate can then vote on whether to reallocate the costs after the work has been completed.

Building elements are things like cladding, the roof, decks and other external components of the building and infrastructure is pipes, wires, gutters, conduits and the like, within the building.

Funded by levies

All owners pay their share of the cladding replacement in this scenario in the first instance. The Body Corporate must levy for the work under section 121 of the Act based on utility interests. Utility interests are the same as ownership interests unless they have been reassessed by the Body Corporate.

Once the work is complete and the levies paid, the Body Corporate can then consider reallocation of the levies. Under section 138 of the Act, any costs incurred by the Body

Corporate that relate to repairs within a principal unit can be recovered by the Body Corporate from the owner of the unit at the time the repairs are carried out or from the owner at the time proceedings are instituted to recover any such costs. Generally, in practice this is used for repairs inside the relevant unit that flow from the exterior repair.

Who benefits, matters

Section 126 allows reallocation of costs based on substantial benefit, after work has been carried out. If one or more of the units substantially benefits from the repairs or maintenance as compared to the other units, they may be reallocated a higher share of the costs if the Body Corporate votes to do so. This would often be done by way of a credit to some owners' ledger balances for levies due and a deduction from others.

The owner at the time when the work was carried out and the owner at the time of the action being brought are jointly and severally (separately) liable for the debt owing, if the amounts are recovered in the Courts.

When a property is sold soon after work has been carried out, ideally a clause should be added to the Agreement for Sale and Purchase recording how any reallocation of costs will be dealt with after settlement.

When you are selling your apartment, it is vital to take legal advice as soon as you engage the services of an agent, particularly when unsure about responsibilities relating to a unit titled building or making a decision to reallocate costs as this is a complex and commonly misunderstood area.

Claire Tyler, Body Corporate Lawyer, Wellington, Rainey Collins Lawyers <https://www.raineycollins.co.nz/>

Tenants can now make changes to tenanted property

Recent legislation allowed for tenants to be able to make minor changes to a rental property.

Here are some of the guidelines for such changes.

Tenants can't renovate, alter or add major fixtures to the property unless the landlord agrees.

Any changes must either:

- be in line with the tenancy agreement, or
- the tenant must have the landlord's written consent (the landlord can't unreasonably withhold consent).

Tenants can make minor changes to the property including fixtures:

- curtains, replacing corded blinds
- visual fire alarms and doorbells
- babyproofing, e.g. a baby gate, cord tensioners or cord cleats for corded blinds
- earthquake-proofing, e.g. securing a bookshelf to the wall.

Tenant responsibilities for making a minor change

- Make the request to the landlord in writing.
- Receive landlord's permission (which must be within 21 days) before making

the minor change to the property (the landlord can ask to extend the timeframe).

- Pay the installation costs (unless otherwise agreed with the landlord).
- At the end of the tenancy, remove the fitting that was installed (unless landlord agrees it can stay).
- Return the property to substantially the same condition it was in before the minor change was made.

Definition of a minor change to the property

A minor change is defined as any fixture, renovation, alteration or addition to the property that:

- has a low risk of damage to the property
- can be easily reversed (property can be returned to substantially the same condition)
- doesn't pose a risk to health and safety
- doesn't compromise the structural integrity, weathertightness or character of the property
- doesn't affect anyone's enjoyment or use of the property
- doesn't require regulatory consent
- doesn't breach any regulatory rules.

tenancy.govt.nz/maintenance-and-inspections/regular-maintenance/tenants-making-changes-to-the-property/

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Recent Tawa to Kapiti Residential Property Sales

Street	Suburb	Beds	Floor m²	Sold	RV
Queen Charlotte Drive	Aotea	4	177	\$1,120,000	\$1,080,000
The Fjord	Aotea	4	260	\$1,562,000	\$1,390,000
Tasman Close	Aotea	4	213	\$1,037,000	\$1,110,000
Aotea Drive	Aotea	4	245	\$1,212,000	\$1,250,000
Okataina Way	Aotea	5	258	\$1,510,000	\$1,450,000
Bodmin Terrace	Camborne	4	102	\$726,500	\$750,000
Pope Street	Camborne	4	150	\$690,000	\$880,000
Hereford Street	Cannons Creek	3	114	\$560,000	\$560,000
Pateke Drive	Kenepuru	3	150	\$805,000	\$850,000
Karearea Avenue	Kenepuru	3	147	\$835,000	\$860,000
Otaihanga Road	Otaihanga	4	460	\$780,000	\$1,350,000
Tieko Street	Otaihanga	4	200	\$1,125,000	\$1,270,000
Pohatu Lane	Otaki	3	205	\$874,000	\$900,000
Dunstan Street	Otaki	2	92	\$455,000	\$530,000
Dunstan Street	Otaki	3	101	\$480,000	\$415,000
Enereta Road	Otaki	3	140	\$685,000	\$700,000
Alexander Place	Otaki	2	110	\$529,500	\$560,000
Waitohu Valley Road	Otaki	4	130	\$700,000	\$720,000
Ian Peter Way	Otaki	2	106	\$510,000	\$540,000
Freemans Road	Otaki	3	81	\$465,000	\$400,000
Mountainview Terrace	Otaki Beach	3	90	\$560,000	\$530,000
Rangiora Road	Otaki Beach	3	93	\$540,000	\$540,000
Seagrass Place	Otaki Beach	3	158	\$810,000	\$770,000
Toi Street	Otaki Beach	3	170	\$635,000	\$550,000
Tilley Road	Paekakariki	3	140	\$850,000	\$790,000
Ames Street	Paekakariki	3	110	\$1,130,000	\$940,000
Eskdale Road	Papakowhai	2	90	\$475,000	\$640,000
Kinloch Place	Papakowhai	5	210	\$1,137,500	\$1,000,000
Valley Road	Paraparaumu	3	86	\$770,000	\$700,000
Aorangi Road	Paraparaumu	3	130	\$710,000	\$660,000
Bluewater Place	Paraparaumu	3	202	\$1,050,000	\$980,000
Waterstone Avenue	Paraparaumu	4	200	\$1,005,000	\$930,000
Chilton Drive	Paraparaumu	3	210	\$825,000	\$810,000
Quadrant Heights	Paraparaumu	5	335	\$1,075,000	\$1,060,000
Guildford Drive	Paraparaumu	4	206	\$880,000	\$850,000
Makarini Street	Paraparaumu	3	91	\$665,000	\$630,000
Riwai Street	Paraparaumu	5	172	\$850,000	\$790,000
Mazengarb Road	Paraparaumu	3	90	\$575,000	\$510,000
Makarini Street	Paraparaumu	3	130	\$768,000	\$600,000
Milne Drive	Paraparaumu	3	220	\$975,000	\$860,000
Hadleigh Court	Paraparaumu	5	224	\$880,000	\$790,000
Millennium Hill	Paraparaumu	5	354	\$1,100,000	\$1,240,000
Marine Parade	Paraparaumu Beach	3	140	\$915,000	\$890,000
Falla Street	Paraparaumu Beach	3	220	\$805,000	\$740,000
Hollis Road	Paraparaumu Beach	2	100	\$562,000	\$510,000
Manly Street	Paraparaumu Beach	5	140	\$850,000	\$1,030,000
Golf Road	Paraparaumu Beach	3	190	\$785,000	\$890,000
Anthony Grove	Paraparaumu Beach	1	80	\$470,000	\$500,000
Golf Road	Paraparaumu Beach	4	380	\$1,270,000	\$1,320,000
Callender Terrace	Paraparaumu Beach	3	180	\$749,000	\$600,000
Walton Road	Paraparaumu Beach	2	101	\$450,000	\$640,000
Manly Street	Paraparaumu Beach	4	175	\$1,000,000	\$1,010,000
Seaview Road	Paraparaumu Beach	4	249	\$1,155,000	\$1,250,000
Pateke Way	Paraparaumu Beach	3	200	\$1,200,000	\$1,050,000
Chums Road	Paraparaumu Beach	3	111	\$730,000	\$650,000
Taranui Way	Paraparaumu Beach	4	269	\$1,500,000	\$1,370,000
Teoti Street	Paraparaumu Beach	2	110	\$560,000	\$530,000
Donovan Road	Paraparaumu Beach	4	160	\$890,000	\$850,000
Guildford Drive	Paraparaumu Beach	3	200	\$862,500	\$850,000
Kahu Road	Paremata	3	186	\$1,005,000	\$1,000,000
Acheron Road	Paremata	4	220	\$670,000	\$800,000
Corlett Road	Plimmerton	3	226	\$1,100,000	\$1,140,000
Gordon Road	Plimmerton	3	110	\$505,000	\$800,000
Te Motu Road	Pukerua Bay	3	137	\$680,000	\$750,000
Japonica Crescent	Ranui	3	120	\$760,000	\$680,000
Gear Terrace	Ranui	6	200	\$647,500	\$660,000
Nola Avenue	Raumati Beach	4	220	\$875,000	\$880,000

Street	Suburb	Beds	Floor m²	Sold	RV
Matai Road	Raumati Beach	3	90	\$740,000	\$670,000
Moa Road	Raumati Beach	3	130	\$711,500	\$750,000
Tui Road	Raumati Beach	4	140	\$667,000	\$640,000
Raumati Road	Raumati Beach	4	190	\$1,090,000	\$1,110,000
Tennis Court Road	Raumati South	2	70	\$730,000	\$680,000
Tennis Court Road	Raumati South	3	130	\$765,000	\$760,000
Tiromoana Road	Raumati South	3	166	\$820,000	\$780,000
Clunie Avenue	Raumati South	3	160	\$1,100,000	\$930,000
Rosetta Road	Raumati South	4	290	\$1,525,000	\$1,320,000
Taylor Terrace	Tawa	4	164	\$1,100,000	\$1,100,000
Victory Crescent	Tawa	3	113	\$615,000	\$710,000
Taylor Terrace	Tawa	3	93	\$650,000	\$740,000
Peterhouse Street	Tawa	5	260	\$760,000	\$1,060,000
Main Road	Tawa	3	111	\$830,000	\$800,000
Main Road	Tawa	3	135	\$795,000	\$770,000
Kilkelly Close	Tawa	5	337	\$1,465,000	\$1,425,000
Bell Street	Tawa	4	140	\$813,000	\$780,000
Greer Crescent	Tawa	2	90	\$620,000	\$620,000
Westhaven Drive	Tawa	3	150	\$777,000	\$810,000
Woodman Drive	Tawa	5	300	\$1,065,000	\$970,000
The Drive	Tawa	4	202	\$1,000,000	\$1,000,000
St Aidans Way	Tawa	4	230	\$958,000	\$910,000
Ngatitoa Street	Tawa	4	210	\$1,100,000	\$1,340,000
Rodney Avenue	Te Horo Beach	3	214	\$938,181	\$1,250,000
Te Horo Beach Road	Te Horo Beach	6	315	\$1,050,000	\$990,000
Whitehouse Road	Titahi Bay	5	220	\$1,620,000	\$1,150,000
Mana Avenue	Titahi Bay	3	104	\$695,000	\$750,000
Dimock Street	Titahi Bay	2	72	\$495,000	\$680,000
Piko Street	Titahi Bay	3	100	\$670,000	\$700,000
Andrew Street	Waikanae	3	170	\$612,000	\$690,000
Cranbrook Grove	Waikanae	3	190	\$600,000	\$960,000
Anderson Park Drive	Waikanae	3	233	\$1,530,000	\$1,700,000
Smithfield Road	Waikanae	4	139	\$1,359,500	\$1,290,000
Teiara Street	Waikanae	3	157	\$1,020,000	\$980,000
Awanui Drive	Waikanae	3	210	\$875,000	\$890,000
Park Avenue	Waikanae	2	80	\$520,000	\$530,000
Rewarewa Crescent	Waikanae	3	150	\$840,000	\$630,000
Matuhi Street	Waikanae	4	171	\$995,000	\$890,000
Kotare Street	Waikanae	3	230	\$1,052,000	\$960,000
Kotare Street	Waikanae	3	120	\$910,000	\$830,000
Nimmo Avenue East	Waikanae	4	310	\$845,000	\$850,000
Manu Grove	Waikanae	2	100	\$780,000	\$800,000
Horopito Road	Waikanae	4	280	\$1,249,000	\$1,110,000
Rimu Street	Waikanae	2	130	\$630,000	\$640,000
Aston Road	Waikanae	4	220	\$1,320,000	\$1,230,000
Waipunahau Road	Waikanae	3	192	\$1,185,000	\$1,060,000
Olliver Grove	Waikanae Beach	3	216	\$1,020,000	\$920,000
Rutherford Drive	Waikanae Beach	4	290	\$1,393,450	\$1,560,000
Ashleigh Way	Waikanae Beach	3	180	\$920,000	\$820,000
Leanne Way	Waikanae Beach	3	200	\$955,000	\$810,000
William Street	Waikanae Beach	3	110	\$735,000	\$670,000
Rauparaha Street	Waikanae Beach	2	70	\$700,000	\$590,000
Botany Lane	Whitby	3	184	\$925,000	\$1,000,000
Adventure Drive	Whitby	3	120	\$695,000	\$760,000
Gybe Place	Whitby	3	171	\$830,000	\$860,000
Tradewinds Drive	Whitby	3	137	\$805,000	\$760,000
Molyneux Close	Whitby	4	240	\$835,000	\$1,010,000
Staysail Place	Whitby	3	120	\$740,000	\$740,000
Banks Boulevard	Whitby	3	176	\$920,000	\$1,020,000
Observatory Close	Whitby	3	210	\$920,000	\$980,000
Joseph Banks Drive	Whitby	3	179	\$750,000	\$790,000
Banks Boulevard	Whitby	5	279	\$1,630,000	\$1,580,000
Topsail Way	Whitby	3	170	\$1,040,000	\$1,010,000
Navigation Drive	Whitby	3	144	\$835,000	\$850,000
Spinnaker Drive	Whitby	4	170	\$685,000	\$750,000
Resolution Drive	Whitby	4	192	\$1,105,000	\$1,150,000
Polestar Lane	Whitby	4	182	\$935,000	\$980,000

This sampling of recent sales was extracted from data compiled by The Real Estate Institute of NZ and represents sales from all real estate companies in the area and not just Ray White. For privacy purposes no street numbers are published here.