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Property Update

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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 Whanganui Residential Property Sales

Street	Suburb	Beds	Floor m ²	Sold	RV
Ballance Street	Aramoho	2	68	\$435,000	\$410,000
Seddon Street	Aramoho	3	85	\$370,000	\$375,000
Spier Street	Aramoho	3	98	\$390,000	\$380,000
Brunswick Road	Aramoho	3	104	\$385,000	\$385,000
Camellia Avenue	Aramoho	3	100	\$435,000	\$395,000
Seddon Street	Aramoho	3	86	\$470,000	\$480,000
Bombay Street	Aramoho	3	99	\$550,000	\$490,000
Field Street	Aramoho	3	130	\$443,000	\$490,000
Field Street	Aramoho	3	140	\$370,000	\$560,000
Parkdale Drive	Aramoho	3	176	\$771,000	\$570,000
Spier Street	Aramoho	4	115	\$480,000	\$400,000
Parkdale Drive	Aramoho	4	170	\$535,000	\$540,000
Ward Street	Aramoho	4	104	\$555,000	\$570,000
Flemington Road	Aramoho	4	157	\$757,000	\$750,000
Lucknow Street	Aramoho	4	156	\$750,000	\$870,000
Mount View Road	Bastia Hill	3	170	\$590,000	\$630,000
Mount View Road	Bastia Hill	4	225	\$577,500	\$630,000
Mount View Road	Bastia Hill	4	196	\$912,000	\$940,000
Karewa Street	Castlecliff	2	100	\$279,000	\$335,000
Kowhai Street	Castlecliff	2	80	\$303,000	\$345,000
Raupo Street	Castlecliff	3	80	\$434,000	\$160,000
Egmont Street	Castlecliff	3	100	\$90,000	\$330,000
Matai Street	Castlecliff	3	101	\$435,000	\$365,000
Matai Street	Castlecliff	3	89	\$420,000	\$375,000
Hinaiu Street	Castlecliff	3	103	\$310,000	\$375,000
Tainui Street	Castlecliff	3	82	\$427,000	\$405,000
Manuka Street	Castlecliff	3	115	\$445,000	\$445,000
Aotea Street	Castlecliff	4	112	\$305,000	\$295,000
Kowhai Street	Castlecliff	4	137	\$340,000	\$400,000
Omori Place	Castlecliff	4	137	\$490,000	\$500,000
Mosston Road	Castlecliff	4	274	\$1,250,000	\$1,300,000
Hurworth Place	College Estate	3	151	\$550,000	\$455,000
College Street	College Estate	3	130	\$615,000	\$520,000
Grey Street	College Estate	3	181	\$795,000	\$770,000
Jackson Street	College Estate	3	243	\$942,000	\$930,000
Putiki Drive	Durie Hill	2	142	\$470,000	\$500,000
Putiki Drive	Durie Hill	2	161	\$731,000	\$640,000
Plunket Street	Durie Hill	3	110	\$550,000	\$495,000
Forres Street	Durie Hill	3	84	\$420,000	\$505,000
Plunket Street	Durie Hill	3	121	\$600,000	\$580,000
Portal Street	Durie Hill	4	100	\$512,000	\$580,000
Stark Street	Durie Hill	4	200	\$780,000	\$820,000
Harper Street	Gonville	3	91	\$410,000	\$300,000
Armstrong Place	Gonville	3	110	\$395,000	\$360,000
Harper Street	Gonville	3	95	\$240,000	\$390,000
Bignell Street	Gonville	3	114	\$447,000	\$405,000
Heads Road	Gonville	3	115	\$360,000	\$410,000
Abbot Street	Gonville	3	121	\$325,000	\$425,000
Rata Street	Gonville	3	110	\$415,000	\$440,000
Saunders Place	Gonville	3	144	\$407,500	\$470,000
Rimu Street	Gonville	3	136	\$465,000	\$540,000
Gonville Avenue	Gonville	3	119	\$620,000	\$540,000
Mason Terrace	Gonville	3	160	\$550,000	\$580,000
Alma Road	Gonville	3	130	\$603,500	\$600,000
Mason Terrace	Gonville	4	133	\$540,000	\$500,000
Kawatiri Avenue	Gonville	4	265	\$695,000	\$610,000
Sarjeant Street	Gonville	5	220	\$640,000	\$655,000

Street	Suburb	Beds	Floor m ²	Sold	RV
Heads Road	Gonville	5	421	\$1,375,000	\$950,000
Riverbank Road	Okoia	3	230	\$840,000	\$950,000
Great North Road	Otamatea	3	170	\$672,500	\$610,000
Tirimoana Place	Otamatea	4	169	\$680,000	\$700,000
Dorset Road	Springvale	2	100	\$470,000	\$440,000
Bens Place	Springvale	3	112	\$450,000	\$480,000
Hereford Street	Springvale	3	100	\$450,000	\$480,000
Hereford Street	Springvale	3	87	\$550,000	\$510,000
Surrey Road	Springvale	3	118	\$537,000	\$530,000
Lindsey Crescent	Springvale	3	100	\$586,000	\$540,000
Surrey Road	Springvale	3	130	\$625,000	\$620,000
Bullock Drive	Springvale	3	180	\$650,000	\$660,000
Peakes Road	Springvale	4	200	\$975,000	\$800,000
Warwick Place	Springvale	5	240	\$770,000	\$760,000
Peakes Road	St Johns Hill	2	81	\$440,000	\$440,000
Peakes Road	St Johns Hill	2	81	\$380,000	\$460,000
Tarata Street	St Johns Hill	2	140	\$790,000	\$790,000
Kent Road	St Johns Hill	3	170	\$362,000	\$560,000
Virginia Road	St Johns Hill	3	134	\$519,000	\$570,000
Parkes Avenue	St Johns Hill	3	170	\$530,000	\$640,000
Parsons Street	St Johns Hill	4	190	\$634,000	\$610,000
Parkes Avenue	St Johns Hill	4	290	\$985,000	\$1,020,000
Great North Road	St Johns Hill	5	191	\$615,000	\$580,000
Kelsi Street	Tawhero	2	150	\$635,000	\$650,000
Carlton Avenue	Tawhero	3	99	\$370,000	\$390,000
Deem Place	Tawhero	3	113	\$440,000	\$390,000
Toi Street	Tawhero	3	104	\$415,000	\$400,000
Fitzherbert Avenue	Tawhero	3	130	\$482,500	\$460,000
Karamu Street	Tawhero	3	120	\$465,000	\$500,000
Kakaho Drive	Tawhero	3	170	\$699,000	\$660,000
Simon Street	Tawhero	3	169	\$845,500	\$780,000
Morrell Street	Tawhero	3	177	\$790,000	\$800,000
Akepiro Place	Tawhero	5	196	\$725,000	\$710,000
Watt Livingstone Road	Westmere	3	217	\$750,000	\$880,000
Glasgow Street	Whanganui	2	76	\$370,000	\$345,000
Ingestre Street	Whanganui	2	110	\$305,000	\$370,000
Liverpool Street	Whanganui	2	130	\$400,000	\$415,000
Alexander Street	Whanganui	3	110	\$370,000	\$340,000
Gloucester Street	Whanganui	3	120	\$427,500	\$350,000
Bell Street	Whanganui	3	97	\$520,000	\$500,000
Park Place	Whanganui	3	95	\$570,000	\$540,000
Ingestre Street	Whanganui	3	123	\$628,000	\$580,000
Campbell Street	Whanganui	3	165	\$719,000	\$680,000
Glasgow Street	Whanganui	3	160	\$732,000	\$750,000
Wicksteed Street	Whanganui	4	122	\$420,000	\$395,000
Nixon Street	Whanganui East	1	60	\$300,000	\$285,000
Mahoney Street	Whanganui East	2	67	\$280,000	\$325,000
Hackett Street	Whanganui East	2	90	\$431,000	\$350,000
Salisbury Avenue	Whanganui East	3	112	\$430,000	\$430,000
White Street	Whanganui East	3	128	\$486,500	\$435,000
Jellicoe Street	Whanganui East	3	136	\$554,000	\$445,000
Salisbury Avenue	Whanganui East	3	93	\$450,000	\$455,000
Raine Street	Whanganui East	3	94	\$529,000	\$465,000
Hackett Street	Whanganui East	3	174	\$540,000	\$480,000
Millward Street	Whanganui East	3	109	\$440,000	\$485,000
Raine Street	Whanganui East	3	123	\$600,000	\$490,000
Anzac Parade	Whanganui East	4	168	\$470,000	\$460,000

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.