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# Pre-contract disclosure statement for existing units

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This is a sample template for providing the information required under Regulation 33(1) of the Unit Titles Regulations 2011 (the Regulation) for a pre-contract disclosure statement for existing units. There is currently no prescribed form for this statement, the specific wording and layout used in this template are not requirements of the Regulation.

**Important:**     **If the information required under Regulation 33(1) of the Unit Titles Regulations 2011 is not provided, or is inaccurate but is not corrected as the information required to complete this pre-contract disclosure statement or to correct the inaccuracy does not exist or cannot be found despite reasonable efforts, then this must be noted in this pre-contract disclosure statement.**

If the requirements of Section 146 of the Unit Titles Act 2010 (the Act) are not met, the settlement date agreed to in an agreement for sale and purchase may be delayed in accordance with Section 149 of the Act, or the agreement may be cancelled in accordance with Section 149A of the Act.

For more information on delaying a settlement or cancelling an agreement for sale and purchase, refer to the pre-disclosure disclosure delay or cancel flowchart on the Unit Title Services website: [unittitles.govt.nz](http://unittitles.govt.nz)

## Pre-contract disclosure statement for existing units

*Section 146, Unit Titles Act 2010*

Unit number:	Unit 31A Dowling Street, PU3
Unit Plan:	Deposited Plan DP300534
Body Corporate number:	300534

## Pre-contract disclosure statement for existing units

- 1 This pre-contract disclosure statement is provided to prospective buyers of the property in accordance with Section 146(1) of the Unit Titles Act 2010.

### Financial information

- 2 The amount of the contribution levied by the body corporate under Section 121 of the Unit Titles Act 2010 in respect of the unit is **\$\$\$4,776.0** plus \$1000 to LTMF.
- 3 The period covered by the contribution in paragraph 2 is 01/11/2023 – 31/10/2024
- 4 The body corporate has the following accounts:

Cheque account - ANZ	23/05/2024	\$19,831.39
LTMF - ANZ	23/04/2024	\$85,786.12

- 5 **The body corporate financial statements and audit reports for the last three years.**

Year ended 2023

*The immediate past financial year.*

The body corporate financial statement *(select one)*

☒ is attached

☐ is not attached because *(select one)* **it does not exist / it cannot be found**

The body corporate audit report *(select one)*

☐ is attached

☒ is not attached because *(select one)* **it does not exist**

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Year ended 2022

*One year prior to the immediate past financial year.*

The body corporate financial statement *(select one)*

☒ is attached

☐ is not attached because *(select one)* **it does not exist / it cannot be found**

The body corporate audit report *(select one)*

☐ is attached

☒ is not attached because *(select one)* **it does not exist**

Year ended 2021

*Two years prior to the immediate past financial year.*

The body corporate financial statement *(select one)*

☒ is attached

☐ is not attached because *(select one)* **it does not exist / it cannot be found**

The body corporate audit report *(select one)*

☐ is attached

☒ is not attached because *(select one)* **it does not exist**

[Attach the relevant financial statements and audit reports]

## Maintenance, weathertightness and related matters

For the purposes of this statement, a unit title is considered to have a **weathertightness issue** if water has penetrated it because of some aspect of its design, construction, alteration, or of materials used in its construction or alteration, and the penetration of water is likely to cause or has caused damage to it.

6 *Select the statement that applies:*

☐ The long-term maintenance plan is attached

☒ The long-term maintenance plan is not attached because **it does not exist**

Plans contained in the AGM agenda and minutes

7 The next review date for the long-term maintenance plan is **[insert date]**

8 The body corporate proposes to carry out or begin the following works under the long-term maintenance plan in the next three years:

- Essential work on a South wall and lightwell. This work is estimated at \$100,000 plus – funded from LTMF and Heritage grants
- Removing nails from old roof and screwing down
- Cleaning of downpipes

9 The body corporate proposes to carry out the following maintenance on the unit title development in the year following the date of the disclosure statement:

- Removing nails from old roof and screwing down
- Cleaning of downpipes
- Funded from current cheque balance

[Set out details of maintenance that the body corporate proposes to carry out and how the cost of that maintenance will be met – attach an extra sheet if required. This includes maintenance whether or not it is set out in the long-term maintenance plan – so there may be some overlap with the answer to question 9]

10 Select the statement that applies:

- ☐ The body corporate or committee has actual knowledge that any part of the unit title development has weathertightness issues for which a claim has been made under the Weathertight Homes Resolution Services Act 2006.
- ☒ The body corporate or committee has no knowledge of any part of the unit title development currently, or ever having had, weathertightness issues for which a claim has been made under the Weathertight Homes Resolution Services Act 2006.

[Provide details of the claims if any]

11 Select the statement that applies:

- ☒ The body corporate or committee has actual knowledge that any part of the unit title development had weathertightness issues that have been remediated without a claim under the Weathertight Homes Resolution Services Act 2006 or other proceedings.
- ☐ The body corporate or committee has no knowledge of the unit title development having weathertightness issues that have been remediated without a claim under the Weathertight Homes Resolution Services Act 2006 or other proceedings.

As a heritage building there are ongoing maintenance issues with water egress into the building via plumbing, lightwells or seals around walls failing. These problems have been addressed proactively and as they arise.

12 Select the statement that applies:

- ☒ The body corporate or committee has actual knowledge that any part of the unit title development has weathertightness issues that have not been remediated.
- ☐ The body corporate or committee has no knowledge of the unit title development having weathertightness issues that have not been remediated.

South wall and lightwell need significant repair to address watertightness. This is an expensive undertaking and we are raising funds (currently expected to be circa \$100,000) by saving in the LTMF and applying for heritage grants, as well as seeking ways to keep costs down.

13 Select the statement that applies:

- ☐ The body corporate or committee has actual knowledge that any part of the unit title development has earthquake-prone issues.
- ☒ The body corporate or committee has no knowledge of the unit title development having earthquake-prone issues.

[Provide details of the earthquake-prone issues, if any. The Building Act defines what an earthquake-prone building is, and whether a building or part of it is earthquake-prone is determined by the local authority]

14 Select the statement that applies:

- ☐ The body corporate or committee has actual knowledge that any part of the unit title development has any other significant defects in the land (including the unit title development) that may require remediation.
- ☒ The body corporate or committee has no knowledge of the unit title development having any other significant defects in the land (including the unit title development) that may require remediation.

[Provide details of the significant defects, if any]

15 Select the statement that applies:

- ☐ The remediation report/s commissioned by the body corporate in the last three years is attached.
- ☒ No remediation report/s commissioned by the body corporate in the last three years are attached, because (select one) **no such reports have been commissioned.**

## Governance information

16 The notices and minutes of body corporate general meetings and body corporate committee meetings for the last three years.

Year ended 2023

*The immediate past financial year.*

The body corporate and committee meeting notices, minutes and supporting documentation (select one)

☒ are attached

☐ are not attached because (select one) **it does not exist / it cannot be found**

Year ended 2022

*One year prior to the immediate past financial year.*

The body corporate and committee meeting notices, minutes and supporting documentation (select one)

☒ are attached

☐ are not attached because (select one) **it does not exist / it cannot be found**

Year ended 2021

*Two years prior to the immediate past*

The body corporate and committee meeting notices, minutes and supporting documentation (select one)

financial year.

☒ are attached

☐ are not attached because (select one) **it does not exist / it cannot be found**

*[Attach the relevant notices of general meetings prepared under regulations 5, 6, 7, 8 and 8A and 9, and all supporting documentation, and minutes prepared for general meetings and body corporate committee meetings, and all supporting documentation (includes agendas or similar) Note any information that is not available.]*

*Note: information may be excluded if disclosing the information would breach the Privacy Act 2020 or any other enactment, if the information is subject to legal professional privilege or the confidentiality of the information must be protected because of commercial sensitivity. It should be noted if information has been excluded.*

17 Select the statement that applies:

☒ The body corporate manager(s) is Emily Gill and their contact details are [excelsiorbodycorp@live.com](mailto:excelsiorbodycorp@live.com).

☐ The body corporate has not currently engaged a body corporate manager.

18 The body corporate holds the following insurance cover for the unit title development:

Select the statement that applies:

☒ The body corporate is not involved in any proceedings in any court or tribunal as at the date of this pre-contract disclosure statement.

☐ The body corporate is involved in proceedings in a court or tribunal. Details of the proceedings are:

*[Set out or attach details of any proceedings brought by or against the body corporate. This could include any kind of dispute where the body corporate is a complainant or a defendant. It could also include any instance where the body corporate is suing or being sued – attach extra sheets if required]*

## General information

19 The following section contains a brief explanation of important matters relevant to the purchase of a unit in a unit title development. You should read and understand the information contained in this section and this statement before signing a contract to buy a unit in a unit title development.

Further information on buying, selling a unit and living in a unit title development can be obtained by:

- reading the publication “Short guide to unit titles”, which is available on the Unit Title Services website: [unittitles.govt.nz](http://unittitles.govt.nz)
- contacting the Ministry of Business, Innovation & Employment service centre: 0800 UNIT TITLES (0800 864 884)

You are strongly advised to obtain independent legal advice regarding any questions or concerns you have about purchasing a unit or your prospective rights and obligations as a member of a body corporate.

**Unit title property ownership.** Unit titles are a common form of multi-unit property ownership. They allow owners to privately own an area of land or part of a building and share common property with other unit owners. Unit title developments may also be structured in varied ways including staged unit title developments and layered unit title developments.

This combination of individual and shared ownership of land and buildings, often in an intensive built environment, means owning a unit title involves a different set of rights and responsibilities than traditional house and land ownership.

Unit title developments have a body corporate management structure to ensure decisions affecting the development can be made jointly by the unit owners. The creation and management of unit title developments is governed by the Unit Titles Act 2010 and supporting regulations.

**Unit plan.** Every unit title development has a unit plan, which shows the location of the principal units as well as any accessory units and common property in the development. The unit plan is the formal record of all of the boundaries of the units, and the common property.

**Ownership and utility interests.** Each unit is allocated an ownership interest and a utility interest and such interests are relevant to the determination of many of the unit owner's rights and responsibilities under the Unit Titles Act 2010.

Ownership interest is a number that reflects the relative value of each unit to the other units in the development, and is used to determine a range of matters including the unit owners' beneficial share in the common property, and share in the underlying land if the unit plan is cancelled.

By default, the utility interest of a unit is the same as the ownership interest (unless it is otherwise specified on the deposit of the unit plan or subsequently changed), and is used to calculate how much each owner contributes to the operational costs of the body corporate.

**Body corporate operational rules.** The body corporate for a unit title development can make its own operational rules on the use of the development, and governance of the body corporate. These operational rules are subject to the provisions of the Unit Titles Act 2010 and regulations made under that Act.

All unit owners, occupiers, tenants and the body corporate must follow the body corporate operational rules that apply to their unit title development.

**Pre-settlement disclosure statement.** Before settlement of the sale of a unit, the seller must provide a pre-settlement disclosure statement to the purchaser, which includes information on:

- the unit number and body corporate number
- the amount of the contribution levied by the body corporate for that unit
- the period covered by the contribution
- how the levy is to be paid
- the date on or before which the levy must be paid
- whether any amount of the levy is currently unpaid and, if so, how much
- whether legal proceedings have commenced in respect of any unpaid levy

- whether any metered charges (eg, for water) are unpaid and, if so, how much
- whether any costs relating to repairs to building elements or infrastructure contained in the unit are unpaid and, if so, how much
- the rate of interest accruing on any unpaid amounts
- whether there are any legal proceedings pending against the body corporate
- whether there are any legal proceedings initiated by the body corporate or intended to be initiated by the body corporate
- whether there is any written claim by the body corporate against a third party that has not been resolved
- whether there have been any changes to the body corporate rules since the pre-contract disclosure statement was provided.

There are legal consequences on the seller for failing to provide the pre-settlement disclosure in the timeframes required by the Unit Titles Act 2010 including delay of settlement and cancellation of the contract.

**Records of title.** Previously known as a computer register or certificate of title, for a unit title development this document records the ownership of a unit, contains a legal description of the unit boundaries and records any legal interest which is registered against the title to the unit (for example a mortgage or easement). A copy of the record of title for a unit should come with:

- the unit plan attached. Unit title plans were discussed earlier in this section.
- a supplementary record sheet attached. A supplementary record sheet records the ownership of the common property, any legal interests registered against the common property or base land, and other information such as the address for service of the body corporate and the body corporate operational rules.

The common property in a unit title development does not have a record of title.

**Land Information Memorandum.** A land information memorandum (LIM) is a report which provides information held by the local council about a particular property. You must order and pay for a LIM from the applicable local council. Delivery times vary between councils. The information contained in a LIM will vary between councils, but is likely to include details on:

- rates information
- information on private and public stormwater and sewerage drains
- any consents, notices, orders or requisitions affecting the land or buildings
- District Plan classifications that relate to the land or buildings
- any special feature of the land the local council knows about including the downhill movement, gradual sinking or wearing away of any land, the falling of rock or earth, flooding of any type and possible contamination or hazardous substances
- any other information the local council deems relevant



Full details of what a local council is obliged to provide in a LIM is contained in section 44A of the Local Government Official Information and Meetings Act 1987.

**Easements and covenants.** An easement is a right given to a landowner over another person's property (for example, a right of way, or right to drain water). A land covenant is an obligation contained in a deed between two parties, usually relating to the use of one or both properties (for example a covenant to restrict one party using their property in a certain way).

Easements or covenants may apply to:

- a unit and are usually recorded on the record of title for that unit.
- common property and will be recorded on the supplementary record sheet for the unit title development.

Further information about the matters set out above can be obtained from:

Unit title property ownership	Ministry of Business, Innovation and Employment <a href="http://www.unittitles.govt.nz">www.unittitles.govt.nz</a> 0800 UNIT TITLES (0800 864 884)
Unit plan Ownership and utility interests Record of title Easements and covenants	Land Information New Zealand <a href="http://www.linz.govt.nz">www.linz.govt.nz</a> 0800 ONLINE (0800 665 463)
Body corporate operational rules Pre-settlement disclosure statement	The body corporate of the unit title development
Land Information Memorandum	Your local council

For detailed information on any of the above matters relating to your specific circumstances, the Ministry of Business, Innovation and Employment recommends you obtain independent legal advice from your lawyer.


## Corrections

20 *Select the statement that applies:*

- ☒ This disclosure statement, including any additional information that forms part of this disclosure, does not have any known inaccuracies.

☐ This disclosure statement, including any additional information that forms part of the disclosure, does have any known inaccuracies. Details of the known inaccuracies are:

*[If you have included any information in this disclosure statement that is inaccurate, you must explain where and what the known inaccuracies are below and add a correction here or explain what information cannot be corrected because either it does not exist, or despite reasonable efforts, cannot be found – attach extra sheets if required]*

Signed by seller or person authorised by seller:	
Name:	Emily Gill, Body Corp Secretary
Date:	23/05/2024

*This form has been created by the Ministry of Business, Innovation and Employment as an example of a pre-contract disclosure statement that complies with the requirements of regulation 33(1) The information contained in the form is intended as an example of how these sections may be completed, and the specific wording used is not a requirement of the Unit Titles Regulations 2011.*