



LAKE SIDE VILLAS
TAUPO RESORT

TOPIC FOR DISCUSSION 2025 ANNUAL GENERAL MEETING LAKE SIDE VILLAS RESORT

Manager - Lakeside Villas

96 LAKE TERRACE

TAUPO 3330

07 378 6706

INFO@LAKESIDEVILLAS.CO.NZ

Matter for Discussion at February Body Corporate Committee Meeting

The Notice of Intention to hold the 2025 Annual General Meeting calls for nominations for the Chairperson of the Body Corporate and a Body Corporate Committee Chairperson, as two separate positions.

It would seem that these elections should only take place, if, as noted in Section 112A Subsection (2) of the Unit Titles Act 2010, the Body Corporate has specifically voted that the “chairperson of the committee should instead (of being the Chairperson of the Body Corporate) be a person that is elected to the committee”. If this decision has not been made at any AGM in the past (as would appear from the existence of only one chairperson since the formation of the Body Corporate) and given that the Section 112A was only inserted into the Act in May 2023, it would seem that an “ordinary resolution” would need to be presented to the AGM prior to elections taking place. This resolution would confirm that the Body Corporate wishes to have the two chairperson positions rather than one.

The situation for the 2025 AGM is, however, further complicated by Section 26 of the Unit Titles Regulations which determines that, if the Body Corporate has decided on the two Chairperson structure, the Body Corporate Committee appoints the Body Corporate Committee Chairperson i.e. that person **is not** elected separately from the committee by the Body Corporate.

There would seem to be little advantage in splitting the Body Corporate responsibilities by having two chairpersons. The very process of introducing this structure would necessitate the specific delegation of responsibilities from the Chairperson of the Body Corporate to the Body Corporate committee. Extra work for no gain. There is also scope for confusion between the two chairperson positions, as to authority to act and responsibility for various Body Corporate decisions.

To resolve the situation, I suggest that the following resolution be presented to the 2025 AGM:

I, Graham John Poucher, a member of Body Corporate D.P.S. 36074, move that the 2025 AGM:

- ***Acknowledge the default position of the Unit Titles Act 2010 Section 112A in that, the chairperson of the Lakeside Villas body corporate is to be:***
 - ***a member of its body corporate committee; and***
 - ***the chairperson of the body corporate committee.***
- ***Confirm that it is not intended that a separate chairperson be appointed by the body corporate committee.***
- ***Elect a single Chairperson of the Body Corporate.***

Note that references are attached. Happy to discuss this proposal with the current Chairperson/committee members at any time. Kind regards, Graham Poucher (021539039)

References

Unit Titles Act 2010

112A Chairperson of body corporate committee

(1) The chairperson of a body corporate is—

(a) a member of its body corporate committee; and

(b) the chairperson of the body corporate committee.

(2) Subsection (1)(b) applies unless, at its annual general meeting, the body corporate decides by ordinary resolution that the chairperson of the committee should instead be a person that is elected to the committee (by the process prescribed in the regulations).

Section 112A: inserted, on 9 May 2023, by section 20 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19)

Unit Titles Regulations 2011

26 Body corporate committee chairperson

(1AA) This regulation applies only if a body corporate has decided (in accordance with section 112A of the Act) that the chairperson of the body corporate committee is to be a person other than the chairperson of the body corporate.

(1) At the first meeting of a body corporate committee, the committee must appoint a chairperson, who must be a member of the committee.

(2) A committee chairperson may be removed from office at a meeting of the body corporate committee.

(3) Where a committee chairperson is removed from office under subclause (2), the body corporate committee must elect a new committee chairperson at that meeting or the first meeting that is held after the office of committee chairperson has become vacant.

Regulation 26(1AA): inserted, on 9 May 2023, by section 53 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).