TENANCY TRIBUNAL AT NORTH SHORE |TE TARAIPIUNARA RETIHANGA KI ŌKAHUKURA

APPLICANT:	Body Corporate 555807 Body Corporate
RESPONDENT:	Luxury Living Apartments Trust Limited Owner
UNIT ADDRESSES:	Units 106, 112, 113, 114, 201, 203, 204, 205, 206, 211, 212, 213 4 Bute Road, Browns Bay, Auckland 0630

ORDER

Luxury Living Apartments Trust Limited must pay Body Corporate 555807 $59,552.07 immediately, calculated as follows:

Descriptions	**Applicant**
Ordinary Levies	$40,915.73
BC manager debt collection fees	$6,527.50
PBB legal charges for proceedings	$8,386.88
Interest	$2,589.46
PBB appearance fees	$632.50
Filing Fee	$500.00
Total award	**$59,552.07**

Reasons:

1. May Naidoo, counsel, of Price Baker Berridge Lawyers appeared for the body corporate.
2. Victor Jia appeared for the owner.
3. Luxury Living owns 12 units in this development. Unfortunately, it has been unable to pay its ordinary levies for the unit.
4. The body corporate applies for recovery of the unpaid levies, interest on the overdue levies, and its recovery costs.

Does Luxury Living owe the levies claimed?

5. Body corporates need to raise levies to run the development. The levies pay for repairs, cleaning, expenses, long term maintenance, and other costs.
6. Unit owners must pay all body corporate levies payable for the unit.[1] If a unit owner does not pay their share of the levies, the other unit owners suffer.
7. The body corporate calculated the levies unit owners had to pay based on their utility interests. The body corporate has fixed the due dates for the levies to be paid. However, the unit owner did not pay the levies by that date.[2]
8. The body corporate has provided records that prove the amount claimed for levies and the owner did not contest its calculation.

Is Luxury Living liable for interest?

9. When a unit owner fails to pay levies by the due date, interest accrues on the unpaid balance. A body corporate may charge interest up to 10 percent per annum.[3]
10. The body corporate has resolved to charge interest at per annum on unpaid levies. The Body Corporate has proved the amount of interest owing from the due date to the hearing date.

Is Luxury Living liable for costs?

11. The Body Corporate is entitled to recover any reasonable costs incurred by it in collecting unpaid levies as a debt due by the owner to the Body Corporate.[4] The Tribunal must order that the debtor pay the body corporate's reasonable costs incurred in recovering the levies, objectively assessed.
12. The costs the body corporate claims are reasonable except for the body corporate manager's charges to the body corporate $4,200.00 to handover its files to Price Baker Berridge.

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[1] Unit Titles Act 2010 (UTA) ss 80(1)(f) and 121(1) .
[2] UTA s 124(1).
[3] UTA s 128
[4] UTA s 124 UTA. *Body Corporate 346799 v Gueirard & Vu* [2023] NZDC 19645 at [18] – [24].

13. The 15 July 2024 AGM minutes record that where the body corporate must take steps to recover overdue levies the “debt administration fees” will be $330.00 plus GST for Stages 2 and 3 debt recovery. That figure represents a set fee for the body corporate manager’s attendances. The set fee amount is not unreasonable even if in this case the body corporate manager would have benefitted from being able to duplicate the steps given there was one unit owner of 12 units.

14. However, there is no mention in the AGM minutes of a $350.00 handover “debt administration” fee. Nor has the body corporate provided any document that it had agreed to a set handover charge. A fixed charge for a single unit of $350.00 might be reasonable, but here where there is a handover for 12 units of a straightforward debt collection the fee is unreasonable. If an hourly rate of $126.50 is used as a benchmark, the $4,200.00 charged for the handover represents 33 hours work. That much work would clearly not be required. If the body corporate agreed to that charging structure, it should not have done so (at least if it expected a defaulting unit owner to reimburse it for the handover fees) because it is not a “reasonable cost”.

15. It is appropriate reduce the body corporate manager’s charges for handover by 50 per cent. $2,100.00 is within the appropriate range of fees and costs for handing over this matter to lawyers for enforcement in the Tribunal. The body corporate manager’s costs are therefore awarded in the sum of $6,527.50 (rather than the $8,627.59 sought).

16. The unit owner must reimburse the body corporate for the filing fee.[5]

R Kee
20 August 2025

[5] UTA ss 124, 176(1), and Residential Tenancies Act 1986 s 102(4)(b).

Please read carefully:

SHOULD YOU REQUIRE ANY HELP OR INFORMATION REGARDING THIS MATTER PLEASE CONTACT **UNIT TITLE SERVICES 0800 864 884**.

MEHEMA HE PĀTAI TĀU E PĀ ANA KI TENEI TAKE, PĀTAI ATU KI TE TARI **UNIT TITLE SERVICES 0800 864 884**.

AFAI E TE MANA'OMIA SE FESOASOANI E UIGA I LENEI MATAUPU FA'AMOLEMOLE IA FA'AFESO'OTAI'I LOA LE OFISA O LE **UNIT TITLE SERVICES 0800 864 884**.

Rehearings:

You may make an application to the Tenancy Tribunal for a rehearing. Such an application must be made within five working days of the order and must be lodged at the Court where the dispute was heard.

The ***only*** ground for a rehearing of an application is that a substantial wrong or miscarriage of justice has or may have occurred or is likely to occur. Being unhappy or dissatisfied with the decision is not a ground for a rehearing. (See 'Right of Appeal' below).

Right of Appeal:

If you are dissatisfied with the decision of the Tenancy Tribunal, you may appeal to the District Court. You only have 10 working days after the date of the decision to lodge a notice of appeal.

However, you may **not** appeal to the District Court:

1. Against an interim order made by the Tribunal.
2. Against an order, or the failure to make an order, for the payment of money where the amount that would be in dispute on appeal is less than $1,000.
3. Against a work order, or the failure to make a work order, where the value of the work that would be in dispute on appeal is less than $1,000.

There is a $200.00 filing fee payable at the time of filing the appeal.

Enforcement:

Where the Tribunal made an order that needs to be enforced then the party seeking enforcement should contact the Collections Office of the District Court on **0800 233 222** or go to www.justice.govt.nz/fines/civil-debt for forms and information.

Notice to a party ordered to pay money or vacate premises, etc:

Failure to comply with any order may result in substantial additional costs for enforcement. It may also involve being ordered to appear in the District Court for an examination of your means or seizure of your property.