



**BODY CORPORATE 467074
UNITS 9 – 19, 19 NGA MAHI ROAD
CHRISTCHURCH**

AGENDA FOR EXTRAORDINARY GENERAL MEETING 2024

Notice is hereby given that an Extraordinary General Meeting (as required under Regulation 6 of the Unit Titles Regulations 2011) of the above Body Corporate will be held on **Wednesday, 12th June 2024 at 11.00 a.m. by:**

- **Attending in person at Skyway's office, 12/21 Bealey Avenue, Merivale, Christchurch**
- **Zoom (meeting link is provided in the email with this Notice)**
- **Phone: 03 356 0460**

It is important that all members attend the meeting.

Please notify our office how you will be attending.

AGENDA:

- 1. Welcome by Body Corporate Manager**
- 2. Attendance and apologies**
 - **Proxy forms and postal vote forms to be forwarded to Skyway Body Corporate prior to the commencement of the meeting.**

Introduction:

A. The unit owners note the emailed report (circulated via e-mail to all members on 22 May, 2024) dated 21 May 2024 from Richard Johnstone as counsel, and on behalf of Mark Frame and Ray McIntyre, after the mediation conducted with CBC Construction 2010 Limited on Wednesday, 8 May and Tuesday, 21 May 2024, recording that a settlement of the Bodies Corporate claims in respect of the defective exterior cladding and external joinery and resultant damage to 14 units in the 3 buildings had been agreed in principle and subject to contract.

B. The Bodies Corporate have received the settlement agreement, as prepared by Mr Johnstone, which has now been signed for the Bodies Corporate and CBC Construction, providing for a monetary settlement of \$40,000 plus GST to cover costs to make the exterior joinery weathertight and to contribute to remediation costs of damaged interior linings and carpets to 14 units, as well as provision for CBC Construction to arrange for and carry out building works at its cost to rectify the deficient and damaged panel joints of the exterior cladding on the 3 buildings.

3. Ordinary Resolutions which require notification:

- a. "That having considered the settlement agreement signed, and Mr Johnstone's report, the Bodies Corporate now ratify the terms of settlement entered and recorded by the settlement agreement as valid and appropriate for the Bodies Corporate in achieving a resolution of the dispute and litigation with CBC Construction 2010 Limited".
- b. "That the Manager be directed to liaise with the Bodies Corporate lawyers, Maciaszek Brown Law, to receive and distribute the monetary settlement payment and to work with Mark Frame over arrangements of access and site set up for CBC Construction to commence remedial works to the exterior cladding due before 30 September 2024.
- c. "That upon receipt and clearance of the settlement payment, the Manager will instruct Mr Johnstone to discontinue the District Court proceeding CIV 2023-009-02735".

The unit owners record with gratitude the time and effort expended by Ray McIntyre and Mark Frame in representing the Bodies Corporate at mediation and all associated attendances.

Notes:

- a. Any person entitled to vote may in writing appoint a proxy to attend and vote in his or her place.
- b. If there are two or more eligible voters who own one principal unit and they are jointly entitled to one vote, and wish to do so by proxy, that proxy must be jointly appointed by them and may be one of them S102(4).
- c. At a meeting of the Body Corporate, the owners entitled to vote on an ordinary resolution and make up the quorum shall be those whose levies are all paid up to date.
- d. Where a notice of resolution has been given to eligible voters in accordance with the regulations a resolution in writing signed by not less than 50% of the eligible voters will be required to pass an ordinary resolution. An eligible voter may exercise a vote by post, being present or by proxy as appointed under the Act.
- e. At a general meeting of the Body Corporate the persons entitled to exercise voting power in respect of not less than 25% of the principal units or their proxies constitute a quorum provided that if the Body Corporate contains two or more members a quorum must be at least two members. S95(1).
- f. If after 30 minutes a quorum is not reached then the meeting will be adjourned to the same day and time one week later and this reconvened meeting must proceed whether a quorum exists or not.