



Submission form for the Unit Titles Act 2010

Fees Regulations Discussion Document

New Zealand Law Society submission, 18 January 2011

Submissions can be sent by:

email to: unit.titles@dbh.govt.nz
(please put 'Consultation feedback – Unit Titles Fees Regulations' in
the subject line)

or

post or courier to: Consultation feedback – Unit Titles Fees Regulations
Department of Building and Housing
Operational Policy and Service Delivery Support
Service Delivery Branch
Level 6, 86 Customhouse Quay
PO Box 10-729
Wellington

or

fax to: (04) 494 0290

The **closing date** for submissions is **21 January 2011**.

Please note that all responses will be public information and may be subject to requests for information under the Official Information Act 1982.



Further information on the Unit Titles Act 2010

You can obtain further information on the Unit Titles Act 2010 from the Department's Frequently Asked Questions fact sheet, available at this link:

www.dbh.govt.nz/unit-titles-updates

Q1

Do you agree with the division of disputes between non-complex and complex?

The New Zealand Law Society (Society) does not agree with this arbitrary division.

Q2

If not, why?

It will be extremely difficult to distinguish between "non-complex" and "complex" matters. Whilst the examples given in the discussion paper may be relatively clear, there will be many other situations where there would be uncertainty as to whether a dispute is non-complex or complex.

Who would make the decision as to which category applied? If the wrong choice was made there could be delays and further expense in obtaining a resolution.

Q3

Do you agree or disagree with the proposed dispute resolution fees level?

The Society believes that the fee level is excessive.



Q4

Why?

Part of the rationale behind the new Unit Titles legislation was to make a system of dispute resolution available to unit proprietors and body corporates that avoided the present expensive and cumbersome process of taking proceedings in the High Court.

The fees that are proposed for complex and non-complex mediations do not achieve this result. If anything, applicants would face costs similar to those involved in court proceedings. This is a retrograde step and is not in accordance with the basic principles behind the dispute resolution provisions.

In comparison, applicants wishing to use the services of the Tenancy Tribunal or the Disputes Tribunal pay a relatively modest fee. In the case of the Tenancy Tribunal, this is \$20.44 (incl GST) per application, and fees in the Disputes Tribunal range from \$30.67 to \$102.22. The Society believes that the service for unit title disputes, if it is to be effective, should be based on consistent pricing models. Resourcing to ensure competent and well-supported, timely dispute tribunal services, particularly in the case of adjudication, is essential.

Q5

Do you consider the 1-2 month timeframe for unit titles dispute mediation is reasonable?

No comment.

Q6

What expectations do you have for the hours of service during which these services would be available?

No comment.

Mary Jeffcoat
Vice President
New Zealand Law Society