

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV-2019-404-1457 [2020 NZHC 149]

UNDER the Harassment Act 1997

IN THE MATTER of an Appeal against the Decision of District Court Judge
G M Harrison on 28 June 2019

BETWEEN **JACQUELINE ANNE VERONICA TURNER**
Victopia Apartments Unit 14E, 135 Victoria Street West,
Auckland 1010
Appellant

AND **KAZUFUMI IKEDA**
Victopia Apartments Unit 13H, 135 Victoria Street West,
Auckland 1010
Respondent

MEMORANDUM OF THE RESPONDENT AS TO COSTS

18 February 2020

Hearing Date: 11 February 2020
Judicial Officer: HC Justice Lang J
Case Officer: Sharon Chivers

MEMORANDUM OF THE RESPONDENT AS TO COSTS

May it please the Court

Background

1. This matter was heard before his Honour Justice Lang J on 11 February 2020. His Honour's reserved judgment was released on 13 February 2020 (**Judgment**) where he dismissed the appellant's appeal against the District Court Judge G M Harrison's dismissal decision on her restraining order application against the respondent.
2. His Honour reserved his decision as to costs and directed the respondent to file application for costs.
3. The respondent files this memorandum to seek increased costs or solicitor-client costs against the appellant.

Jurisdiction to Award Costs

4. The party who fails with respect to a proceeding should pay costs to the party who succeeds.
5. The appellant was unsuccessful in proving her claim against the respondent and accordingly, the respondent submits he is entitled to have his costs paid by the appellant.
6. Costs are awarded at the discretion of the Court provides when the Court can make an order for increased costs.
7. The Court of Appeal case of *Bradbury v Westpac Banking Corporation* made a distinction of increased costs as follows:¹

(b) Increased costs may be ordered where there is failure by the paying party to act reasonably.

¹ *Bradbury v Westpac Banking Corporation* [2009] 3 NZLR 400 at [27]

8. The respondent submits that the present case is one which increased costs at an uplift of at least 25 percent should be awarded as the appellant has behaved inappropriately and unreasonably in bringing these proceedings against the respondent.

Increased Costs

9. The respondent seeks increased costs of \$11,479.13 against the appellant as detailed in Schedule 1 of this memorandum. Attached **Exhibit A** is Schedule 1, Schedule 2 and the Counsel K3 Legal invoice for this matter.
10. The respondent respectfully submits that it is appropriate for the Court to exercise its discretion in this matter and award increased costs on the basis that the appellant has commenced the proceeding for ulterior motive and acted unreasonably and unnecessarily in proceeding with this proceeding.
11. Randerson J in *Radisich v Taylor*² found that a maximum uplift of 50% could be sought in an application for increased costs:

[28] In Holdfast, the Court of Appeal made it clear at [46] – [48] that where conduct of a party of the kind described in the Rules is established, the Court’s normal response should be to provide an uplift on scale costs for the particular step or steps at issue. An uplift of up to 50 percent should ordinarily be regarded as the maximum logically required by the scheme of the rules. While the Court of Appeal did not rule out the possibility of an uplift of more than 50 percent, the Court clearly regarded that as an unusual or exceptional course.

12. The respondent submits that increased costs at an uplift of at least 25 % would be appropriate as the appellant has acted inappropriately in progressing an application that lacked merit which has contributed unnecessarily to the respondent’s cost and expense. Grounds for an at least 25% uplift increased costs are based on the attached **Exhibit B** Memorandum of the Respondent on Strike Out Unwarranted or Meritless Appeal filed on 20 August 2019, **Exhibit C** Chronology of Facts on Appellant’s Failures and Perjuries, and **Exhibit D** Neilsons Lawyers and Price Baker

² *Radisich v Taylor* HC Auckland, CIV-2007-404-007578, 16 April 2008

Berridge invoices as outstanding debt of the respondent (Unit 13H) sent through the BC Manager Body Corporate Administration Ltd (**BCA Ltd**).

Solicitor-Client Costs

13. If the Court does not consider increased costs at an uplift of 25 percent are appropriate in the present case, the respondent would seek the award of solicitor-client costs.
14. The respondent submits the appellant has contributed unnecessarily to the time and expense of the proceedings as a whole by commencing arguments that lack merit and for failing to accept the respondent's legal arguments.
15. The respondent seeks, in the alternative, solicitor-client costs as detailed in Schedule 2 of this memorandum totaling \$11,199.97.

Many Unit Owners' Concern on Ms. Turner's Abusive Use of our BC Funds

16. As the attached **Exhibit D**, on 13 February 2020, the respondent received from the BCA Ltd a Neilsons Lawyers invoice 18943 \$2,513.00 as an outstanding Oncharge to the respondent's Unit 13H. After communicating with other Unit Owners, the respondent received concerns from many Unit Owners. As already found by many Courts: Tenancy Tribunal, District Court and High Court, the appellant Ms. Turner, BCA Ltd Director Mr. Glenn Harry Kwok and GM Ms. Paula Kelly Beaton and Building Manager (**BM**) Mr. Graeme John McDonald (appeared as a witness at the DC hearing) have been in numerous ongoing breaches of the Unit Titles Act 2010 and Regulations 2011 and Residential Tenancies Act 1986 since 2016. One of our Unit Owners' serious concerns is that the appellant and the Defendants have been using our BC funds to pay their own personal legal costs. During the DC hearing on 11 June 2019, the appellant accepted as a witness before the DC Judge Harrison the fact that Ms. Turner used our BC funds to pay her Private investigator Daniel Toresen's fees. Attached **Exhibit D** also proves the Defendants' personal use of our BC funds to pay their legal costs. The respondent sued all conflict of interest BC Chairperson, her fellow Committee members, BCA Ltd and BM due to their ongoing improper and inaccurate administration, their undemocratic actions and their ongoing violations of our AGM elections. However, the respondent has

never sued the BC Owners / Members of the BC. As the appellant Ms. Turner with her Solicitor / Counsel Mr. Trent Bowler personally filed this meritless appeal application against the respondent, any BC funds must not be used to pay the unsuccessful party Ms. Turner's legal Costs. Furthermore, as many Unit Owners' concern, \$65,000 legal costs Expenses were used to pay for the Defendants' many Lawyers: such as Mr. Trent Bowler (Neilsons Lawyers as a Solicitor for BCA Ltd), Mr. Clinton Baker (a shareholder of BCA Ltd), Mr. Graham Harford (to chair our 2018 and 2019 AGMs on behalf of Ms. Turner), and Joanna Pidgeon (a shareholder of Mr. McDonald's business GMD Investments and to represent him at our 2018 and 2019 AGMs). Attached **Exhibit E** is our Owners' Scream, 2018, 2019 AGM Minutes and Financials, and Companies Office Registers.

17. The respondent therefore requests the Court to make sure that the appellant's Civil Debt payment must be made directly from Ms. Turner's personal bank account to the Court account, in order to avoid any further abusive use (to pay their own personal legal costs and other expenses) of our BC funds by the Defendants.

Dated this 18th day of February 2020 at Auckland

Kazufumi IKEDA
MBA (Waikato), MMgt (Massey), PGDipCom (Auckland), BBA (Senshu)
Business Consultant
The Respondent

Cc: K3 Legal Julia Leenoh

Attach:

1. **Exhibit A**. Schedule 1. Increased costs, Schedule 2. Solicitor-Client costs, K3 invoice
2. **Exhibit B**. Memorandum of the Respondent on Strike out Unwarranted or Meritless Appeal
3. **Exhibit C**. Chronology of Facts (Appellant's Failures and Perjuries)
4. **Exhibit D**. Neilsons Lawyers Invoice 18943 \$2,513.00 and PBB Invoices \$22,066.68 through the BCA Ltd
5. **Exhibit E**. Owners' Scream, 2018 2019 AGM Minutes and Financials, Companies Office Registers

Exhibit A Schedule 1 & 2 K3 invoice

Schedule 1. 25% Uplift Increased Costs

Item	Description	Allocated Days	Daily Recovery Rate \$	Amount \$
Costs on Band 2B				
53	Commencement of response to appeal	0.50	2,390.00	1,195.00
55	Preparation of Case on Appeal	1.00	2,390.00	2,390.00
56	Preparation of written submissions	2.00	2,390.00	4,780.00
57	Appearance at hearing for sole counsel	0.25	2,390.00	597.50
Total Scale 2B Costs		3.75		8,962.50
Total Costs				
Total Scale Costs				8,962.50
Uplift of 25%				2,240.63
Total after 25% Uplift				11,203.13
Total Costs				11,203.13
Disbursements				
	Court Interpreter Fee (invoice attached)			276.00
Total Costs and Disbursements				11,479.13

Schedule 2. Solicitor-Client Costs

Total Solicitor-Client Costs (Counsel K3 Legal)				
Total Solicitor-Client Costs from 25/09/2019 to 11/02/2020 (K3 Legal invoice attached)				10,923.97
Total Costs				10,923.97
Disbursements				
	Court Interpreter Fee (invoice attached)			276.00
Total Costs and Disbursements				11,199.97



K3
CONSULTING
ACCOUNTING
LEGAL

12/02/2020

Mr K Ikeda

Tax Invoice: 40150
GST Number: 120-653-237
Account no: 246279-2

By email: kas2040@outlook.jp

Restraining Order

Our attendance in accordance with the attached time records.

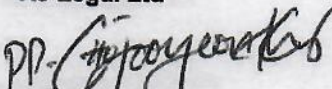
OUR FEE	\$9,297.00
GST	\$1,394.55
Office Expenses (GST Inclusive)	
Administration Fee	\$232.42
Total	<u>\$10,923.97</u>

RECEIVED

13/02/2020

E & O E

K3 Legal Ltd


Margaret Chen

PAYMENT OPTIONS

BY DEPOSIT

ASB Bank Ltd
Accnt no: 12 3109 0141281 01
Accnt name: K3 Legal Limited Trust Account

BY CHEQUE to:

K3 Legal Ltd
PO Box 2137
Auckland 1140
New Zealand

Payment due within 14 days of invoice

BY CREDIT CARD

We accept Visa & Mastercard
- please provide us with your card details.

Client: Mr K Ikeda
Account No: 246279-2
Tax Invoice: 40150
Amount due: \$ 10923.97

Client Number: 246279 Ikeda K
 File#
 Matter Number: 2 Restraining Order Taken By:
 Address: Suite 13h, 135 Victoria Street West, Auckland Central, Auckland 1010

Person Acting: Margaret Chen Supervisor: Mark Kirkland
 Work Code: L9 Litigation General
 Office Expenses: \$0.00 Final Bill: 1
 Disbursements: \$0.00 Anticipated disb: \$0.00
 Trust: \$5,000.00 WIP Balance: \$9,297.00
 A/R balance: \$0.00 Dep balance: \$0.00
 Matter balance: \$5,000.00 Credit limit: \$2,500.00

Last Financial Transaction Number: 19 Dated: 24/01/2020
 Last Time Transaction Number: 99 Dated: 11/02/2020

Date	Sol	Hrs-Min	Billed	Rate	Value	GST	Off Exp	Activity
25/09/2019	JL	1-00		\$320.00	\$320.00	\$0.00		Reviewing docs and next steps - DRF estimate for client, E-mail to Trent Bowler
27/09/2019	JL	0-24		\$320.00	\$128.00	\$0.00		Attendance EM to opposing counsel re bundle, E-mail to client re next steps
27/09/2019	JN	0-12		\$550.00	\$110.00	\$0.00		Attendance with Julia re next steps, review draft email
01/10/2019	JL	0-06		\$320.00	\$32.00	\$0.00		Attendance re bundle for restraining order appeal
03/10/2019	JL	0-12		\$320.00	\$64.00	\$0.00		Attendance re bundle for restraining order appeal
01/11/2019	JN	0-06		\$550.00	\$55.00	\$0.00		Attendance with Julia re contact from Turner's solicitors, lack of instructions, ps draft email and approve
17/01/2020	JL	0-06		\$320.00	\$32.00	\$0.00		Attendance re emails from client
20/01/2020	JL	0-12		\$320.00	\$64.00	\$0.00		E-mail to client
21/01/2020	JL	0-48		\$320.00	\$256.00	\$0.00		Attendance email to client, Attendance re withdrawal
24/01/2020	LM	0-30		\$100.00	\$50.00	\$0.00		Attendance drafting IA ceased to act
28/01/2020	JL	4-30		\$320.00	\$1,440.00	\$0.00		Reviewing docs from appellant, Researching case law to support subs
29/01/2020	JL	1-00		\$320.00	\$320.00	\$0.00		Drafting submissions, Conference with MC
29/01/2020	MC	3-00		\$400.00	\$1,200.00	\$0.00		Attendance Review decision, other side subs, relevant cases and discussion with JLN
30/01/2020	JL	4-00		\$320.00	\$1,280.00	\$0.00		Drafting submissions and notes re parameters of restraining order
31/01/2020	JL	3-00		\$320.00	\$960.00	\$0.00		Attendance submissions
31/01/2020	MC	0-30		\$400.00	\$200.00	\$0.00		Attendance EF RM, affidavit from lawyer and review additional discovery docs
03/02/2020	LM	1-00		\$100.00	\$100.00	\$0.00		Attendance Bundle of authorities
03/02/2020	LM	0-18		\$100.00	\$30.00	\$0.00		Attendance Filing and service subs & BOA
03/02/2020	JL	1-00		\$320.00	\$320.00	\$0.00		Attendance finalising subs and BOA, E-mail to client re next steps
05/02/2020	JL	0-06		\$320.00	\$32.00	\$0.00		E-mail to client
10/02/2020	JL	4-12		\$320.00	\$1,344.00	\$0.00		E-mail to client, Attendance late start, Attendance hearing prep
11/02/2020	JL	3-00		\$320.00	\$960.00	\$0.00		Attendance hearing prep, Appearance hearing prep
			29-12		\$9,297.00			

Exhibit B Memo on Strike out

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2019-404-1457

UNDER the Harassment Act 1997

IN THE MATTER of an Appeal against the Judgement of District Court
Judge G M Harrison on 28 June 2019

BETWEEN JACQUELINE ANNE VERONICA TURNER
Appellant

AND KAZUFUMI IKEDA
Respondent

MEMORANDUM OF RESPONDENT ON STRIKE OUT OF UNWARRANTED
OR MERITLESS APPEAL

20 August 2019

Hearing Date: 11 February 2020
Judicial Officer: HC Justice G Powell
Case Officer: S Chivers

**MEMORANDUM OF RESPONDENT ON STRIKE OUT OF UNWARRANTED
OR MERITLESS APPEAL**

May it please the Court

Background

1. On 28 June 2019, the DC Judge Harrison made his Judgment (2019 NZDC 12240) to dismiss the Applicant Ms. Turner's application for a Restraining order against Mr. Ikeda.
2. On 12 July 2019, Mr. Ikeda filed his Costs Submission.
3. By 18 July 2019, Ms. Turner's Costs Submission was to be filed. However, no Submission has been filed.
4. On 17 July 2019, Ms. Turner rather filed another High Court Appeal against the Judgment made by the DC Judge Harrison.
5. On 9 August 2019, the DC Judge Harrison issued his Judgment as to Costs (2019 NZDC 15492) for Mr. Ikeda.
6. On 6 August 2019, Ms. Turner's solicitor received from the HC a Notice of case management Conference, and a memo was to be filed by 9 August 2019. However, Mr. Ikeda did not receive the Notice on 6 August 2019.
7. On 12 August 2019 just one day before the Conference, Mr. Ikeda received from his solicitor an email on vacating the Conference by filing a joint memorandum which was requested by Ms. Turner's solicitor.
8. On 13 August 2019, the Conference was vacated by the joint memorandum and a fixture on 11 February 2020 was allocated.

Ms. Turner's Actions: Proceedings for a Side purpose, Delays by hearing adjournments, Refusal to accept settlements, and Reluctance to proceed in a timely manner in order to avoid Judgment Debt payments

9. As the DC Judge Harrison expressed his concern in his Costs Judgment on 9 August 2019, Ms. Turner's Application, numerous Appeals and Discontinuance with the District Court and High Court since 2017 have been brought for a side purpose (Judgment Paragraph 10, Costs Judgment Paragraph 11).
10. The DC Judge Harrison also found Ms. Turner's actions of her delays by numerous hearing adjournments, her refusal to accept the settlement offers and her obvious

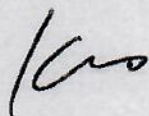
reluctance to proceed with her applications in a timely manner (Judgement Paragraph 1, Cost Judgment Paragraph 18).

11. Ms. Turner's only reason of starting and continuing to bring her meritless Application, Appeals and Discontinuance with the District Court and High Court is to delay her Judgment debtor Costs payments (Tenancy Tribunal \$22,249 + DC \$15,543) to Mr. Ikeda since December 2017.

Conclusion

12. Ms. Turner has been starting and continuing to bring the Proceedings for a side purpose and for delaying her Judgment debtor Costs payments. As a result, Ms. Turner has been wasting the Tenancy Tribunal, District Court and High Court's precious and limited resources by her ongoing attempts.
13. High Court and District Court can make an order to restrict a person from starting or continuing to bring civil cases which are unwarranted or meritless. Ms. Turner's ongoing attempts of starting and continuing to bring her meritless civil cases is applicable to this Court Rule.
14. The Respondent submits that the High Court should restrict Ms. Turner from starting and continuing to bring her civil cases which are unwarranted and meritless. The Respondent seeks a direction of the Justice Power to strike out Ms. Turner's meritless Appeal against Mr. Ikeda since December 2017.

Dated this 20th day of August 2019 at Auckland



Kazufumi IKEDA
MBA (Waikato), MMgt (Massey), PGDipCom (Auckland), BBA (Senshu)
The Respondent

Attach: DC Judge Harrison Judgment on 28 June 2019 (2019 NZDC 12240)
DC Judge Harrison Judgment as to Costs on 9 August 2019 (2019 NZDC 15492)

Exhibit C Facts, Failures, Perjuries

Chronology of Facts (Turner's Side purpose DC Application and Unwarranted or Meritless HC Appeal)
Grounds for a 25% Uplift Increased Costs (Appellant's Failures and Perjuries)

- 2017 10 25 Ikeda filed his 3rd Application with Tenancy Tribunal
- 2017 11 14 **Turner filed her Affidavit.**
- 2017 12 18 Turner filed her Application.
- 2018 02 07 Turner adjourned **Hearing.**
- 2018 07 18 **Turner failed to appear and adjourned Hearing** but filed her Updating Affidavit with North Shore Court on the same day. **Bowler failed to copy it until June 2019.**
- 2019 03 07 Turner again **adjourned Hearing** by medical condition (no evidence filed).
- 2019 06 11 **Turner again failed to appear Hearing, attempted to further adjourn,** but dismissed by the Judge and appeared late.
- 2019 06 28 **DC Judgment**
- 2019 07 08 Ikeda filed his Costs Submission.
- 2019 07 17 Turner filed her Meritless Appeal with HC (to delay her Judgment Debtor payments).
- 2019 07 18 Turner and Bowler **failed to file** her Costs Submission.
- 2019 08 06 **Notice of Case Management Conference** (I did not receive).
- 2019 08 09 **DC Costs Judgment (the Judge decided a 50% Uplift Increased Costs as appropriate).**
- 2019 08 12 **Joint Memo** to vacate CMC.
- 2019 08 13 **CMC**
- 2019 08 20 Ikeda filed his **Memo on Strike out Unwarranted or Meritless Appeal.**
- 2019 09 16 Turner and Bowler **failed to pay \$1,195 Security for costs and \$640 Scheduling fee** by 4 September 2019.
- 2019 09 16 Turner and Bowler paid the fees (after the due date) and **failed to file a Memo in reply** (to my Memo on Strike out).
- 2019 09 24 Turner and Bowler **failed to file a Submission** by 24 September 2019.
- 2019 10 15 Collections Unit processed Ikeda's application for a warrant to seize property. The Bailiff said that Turner was attempting to escape to pay.

2019 11 19 Ikeda received a cheque from the Court.
2020 01 20 Turner and Bowler **5-month late filed** her Submission (after a warning).
2020 02 11 Turner **failed to appear** the Court Hearing.

Perjuries

1. "Watch Out twice" to the appellant in 2017 AGM minutes (incorrect records)

As I was not given my opportunity as a witness to be cross-examined during the DC Hearing on 11 June 2019, I would like to state the following facts. While I was carefully reviewing Mr. Bowler's memorandum and submissions, I become aware that the appellant and he had been attempting to produce fake evidences on me to file with the DC and HC. "at least two separate occasions within a 12-month period" to satisfy the harassment standard / requirements. First, Ms. Turner has never chaired our AGMs for 15 years since 2005. BCA Ltd GM Paula Beaton chaired our AGMs 10 times. BCA Ltd Director Glenn Kwok chaired our AGMs 3 times. Graham Harford chaired our 2018 and 2019 AGMs 2 times on behalf of Ms. Turner. In her original Affidavit, Ms. Turner stated that I said "Watch out twice" during our 2017 AGM. **As my two supporting Affidavits proved my innocence, Ms. Turner suddenly changed from our 2017 AGM to the first Committee meeting (Perjury 1).** My previous lawyer attended both our 2017 AGM and the Committee meeting with me. As a non-English native speaker, I have never used a term of "Watch out". Just before a Hearing (adjourned) in July 2018, Mr. Bowler emailed to my previous Counsel that the appellant would not pay my legal costs. Withdraw from this Proceeding, otherwise the appellant and he would produce further fake evidences to file with the DC.

2. Camera

In the appellant's original Affidavit, Ms. Turner stated that in 2018 I stalked her through my Unit's front door Viewing lens / Camera (the appellant entering the deceased Unit 13K owner's property using a master key at 6am two occasions. Mr. McDonald as a witness accepted this fact before the DC Judge.) Then, the appellant and Mr. Bowler suddenly changed from Viewing lens in 2018 to Camera at my main bedroom window. However, it is the fact that **this Camera condemnation was in 2009**, not in 2018 (**Perjury 2**). I was living in Japan from January 2010 to May 2015.

kas2040@outlook.jp

Exhibit D Neilson & PBB

差出人:

Elisepa BCA <elisepa@bca.co.nz>

送信日時:



2020年2月12日水曜日 16:56

宛先:

'kas.ikeda@vodafone.net.nz'; 'kas2040@outlook.jp'

CC:

Jayshree BCA; Paula BodyCorpAdmin; Glenn BackupA

件名:

Outstanding Levy - Victopia - #BC346799

添付ファイル:

statement_template_001 - 2020-02-12T163525.721.pdf; INV103200.pdf;
INV122369.pdf; INV150531.pdf; INV241241.pdf; INV241242.pdf;
INV143967.pdf

Invoices

RECEIVED

12/02/2020 from

BCA Ltd

Dear Kazufumi Ikeda,

BODY CORPORATE: 346799
PROPERTY AT: 135 Victoria Street Auckland
UNIT NO: 13H

We are writing to you to advise you about the outstanding levy for your Unit 13H - BC #346799

Please kindly refer to the attached report statement and invoices reflecting the outstanding levy. Please can you confirm when payment will be made and if you can provide us a proof of payment.

Thank you for your time and cooperation, it is highly appreciated.

Kind Regards,

Elisepa Taukolo

Assistant Property Administrator
Body Corporate Administration Ltd



Level 3, 115 Queen Street, (Up Swanson Lane), Auckland
P.O. Box 2322 Auckland 1140
P: +64 9 373 2336
F: +64 9 377 6743

Date	Due	Detail	Levy	Payment	Balance
07/09/2018	12/09/2018	INV103200 - Oncharge Building Warrant of Fitness - PBB Invoice 23455	2,067.44	0.00	13874.42
10/09/2018	10/09/2018	RCPT126381 - Payment receipt - K Ikeda	0.00	1,200.58	12673.84
20/09/2018	20/10/2018	INV106680 - Instalment 2 of 3 for the year 2018-19 (Levy Period 25/09/2018 to 25/01/2019)	1,783.42	0.00	14457.26
23/10/2018	23/10/2018	RCPT134078 - Payment receipt - K Ikeda	0.00	1,783.42	12673.84
06/11/2018	13/11/2018	INV111317 - Oncharge as per LA Inspection Invoice 00009268	156.92	0.00	12830.76
19/12/2018	31/12/2018	INV122369 - Oncharge for Tribunal Claim and Mediation	7,382.80	0.00	20213.56
01/01/2019	01/01/2019	JNL29416 - Reversal of prior oncharge for Grimshaw invoice #14106	0.00	3,369.50	16844.06
01/02/2019	05/03/2019	INV109683 - Instalment 3 of 3 for the year 2018-19 (Levy Period 25/01/2019 to 25/05/2019)	1,783.42	0.00	18627.48
10/04/2019	10/04/2019	JNL 30880 - Reversal of prior oncharge for Grimshaw invoice	0.00	6,739.00	11888.48
01/05/2019	01/05/2019	RCPT174108 - Payment receipt	0.00	1,783.42	10105.06
01/05/2019	01/05/2019	RCPT174109 - Payment receipt	0.00	156.92	9948.14
01/05/2019	01/05/2019	RCPT174110 - Payment receipt	0.00	165.26	9782.88
01/05/2019	01/05/2019	RCPT174111 - Payment receipt	0.00	82.70	9700.18
03/05/2019	20/05/2019	INV143967 - Oncharge for Smoke Detectors	822.83	0.00	10523.01
20/05/2019	03/06/2019	INV150531 - Oncharge as per PBB Invoice 23455 - Building WOF	9,144.59	0.00	19667.60
20/05/2019	25/06/2019	INV152433 - Instalment 1/3 (Period 25/05/2019 - 25/09/2019) Based on last year's budget	1,783.42	0.00	21451.02
01/09/2019	20/10/2019	INV199774 - Instalment 2 of 3 for the year 2019-20 Based on last year budget (Period 25/09/2019 to 25/01/2020)	1,783.41	0.00	23234.43
24/10/2019	24/10/2019	RCPT207960 - Payment receipt - IKEDA	0.00	1,783.42	21451.01
30/10/2019	30/10/2019	RCPT208795 - Payment receipt - Ikeda	0.00	1,783.41	19667.60
30/10/2019	30/10/2019	RCPT208796 - Payment receipt - Ikeda	0.00	250.00	19417.60
05/12/2019	05/02/2020	INV223452 - Instalment 3 of 3 Balance from the 2019 - 2020 Budget	196.02	0.00	19613.62
28/01/2020	11/02/2020	INV241241 - Oncharge as per Invoice 18943 from Neilsons Lawyers	2,513.00	0.00	22126.62
28/01/2020	11/02/2020	INV241242 - Oncharge as per PBB invoice 23988	3,471.85	0.00	25598.47
05/02/2020	05/02/2020	RCPT233816	0.00	196.02	25402.45

Total Payable:

25,402.45

Interest 10% per annum will be charged on amount outstanding

Please deposit into the following account and quote your unit number as a reference

Bank: ASB

Branch:

Swift Code: ASBBN22A

Account Name: BC 346799 - 37 A/C

Account No.: 12-3109-0169266-37



**BODY CORPORATE
ADMINISTRATION**

❖ Level 3, 115 Queen Street, (Up Swanson Lane), Auckland
 ❖ P.O.Box 2322 Auckland 1140
 ❖ Phone +64 9 373 2336
 ❖ Fax +64 9 377 6743
 ❖ Mobile +64 21 612 336

Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

GST Tax Invoice

346799 - Victopia
 135 Victoria Street
 Auckland

Tax Invoice No.: INV241241
 Invoice Date: 28/01/2020
 Due Date: 11/02/2020 ←
 Unit Number: 135V13H
 GST Reg. Number: 90-855-395

Invoice To:

Kazufumi Ikeda

kas.ikeda@vodafone.net.nz;kas2040@outlook.jp

Oncharge as per Invoice 18943 from Neilsons Lawyers ←

Description

Oncharge as per Invoice 18943 from Neilsons Lawyers

GST

Total:

Amount

\$2,185.22

~~\$327.78~~

\$2513.00

***It would be appreciated if you could use the following references with your payment:
 Particulars (Body Corporate No.): 346799
 Ref (Unit No.): 135V13H
 Code (Name): Kazufumi Ikeda**



1. Please scan the QR code on the invoice via the QR code scanner APP (or download the APP from the APP store if you do not have one).
 2. This will then direct you to the payments portal where you can process your levy payments.

TEAR OFF HERE

Penalty interest 10% per annum will be charged on any overdue amount

GST: \$327.78

Payment due date is 11/02/2020

Total Amount: \$2513.00

Please deposit into the following account and quote your unit number as a reference

If paying by cheque please attach this remittance advice and make cheques payable to:
 Name: BC346799 - Operational Trust A/C
 Bank: ASB
 Account: 12-3109-0152036-01

If paying in cash or EFTPOS:
 Our office is at:
 Level 3, 115 Queen Street
 (Up Swanson Lane) Auckland

For Electronic Payments:
 Name:BC 346799 - 37 A/C
 Bank:ASB
 Account:12-3109-0169268-37
 Particulars (Body Corporate No):346799
 Ref:135V13H

Body Corporate 346799
 C/- Body Corporate Administration Ltd
 P O Box 2322
 Auckland 1140



**BODY CORPORATE
ADMINISTRATION**

❖ Level 3, 115 Queen Street, (Up Swanson Lane), Auckland
❖ P.O.Box 2322 Auckland 1140
❖ Phone +64 9 373 2336
❖ Fax +64 9 377 6743
❖ Mobile +64 21 612 336

Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

GST Tax Invoice

346799 - Victopia
135 Victoria Street
Auckland

Tax Invoice No.: INV103200
Invoice Date: 07/09/2018
Due Date: 12/09/2018
Unit Number: 135V13H
GST Reg. Number: 90-855-395

Invoice To:

Kazufumi Ikeda

kas.ikeda@vodafone.net.nz;kas2040@outlook.jp

Oncharge Building Warrant of Fitness- PBB Invoice 23455

Description

Oncharge Building Warrant of Fitness- PBB Invoice 23455

GST

Total:

Amount

\$1,797.77

\$269.67

\$2067.44

*It would be appreciated if you could use the following references with your payment:
Particulars (Body Corporate No.): 346799
Ref (Unit No.): 135V13H
Code (Name): Kazufumi Ikeda



1. Please scan the QR code on the invoice via the QR code scanner APP (or download the APP from the APP store if you do not have one).
2. This will then direct you to the payments portal where you can process your levy payments.

TEAR OFF HERE

Penalty interest 10% per annum will be charged on any overdue amount

GST: \$269.67

Payment due date is 12/09/2018

Total Amount: \$2067.44

Please deposit into the following account and quote your unit number as a reference

If paying by cheque please attach this remittance advice and make cheques payable to:

Name: BC346799 - Operational Trust A/C
Bank: ASB
Account: 12-3109-0152036-01

If paying in cash or EFTPOS:

Our office is at:
Level 3, 115 Queen Street
(Up Swanson Lane) Auckland

For Electronic Payments:

Name: BC 346799 - 37 A/C
Bank: ASB
Account: 12-3109-0169268-37
Particulars (Body Corporate No.): 346799
Ref: 135V13H

Body Corporate 346799
C/- Body Corporate Administration Ltd
P O Box 2322
Auckland 1140



**BODY CORPORATE
ADMINISTRATION**

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 ❖ P.O.Box 2322 Auckland 1140
 ❖ Phone +64 9 373 2336
 ❖ Fax +64 9 377 6743
 ❖ Mobile +64 21 612 336

Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

GST Tax Invoice

346799 - Victopia
 135 Victoria Street
 Auckland

Tax Invoice No.: INV122369
 Invoice Date: 19/12/2018
 Due Date: 31/12/2018
 Unit Number: 135V13H
 GST Reg. Number: 90-855-395

Invoice To:

Kazufumi Ikeda

kas.ikeda@vodafone.net.nz;kas2040@outlook.jp

PBB

Oncharge for Tribunal Claim and Mediation ←

Description

Oncharge for Tribunal Claim and Mediation
 Oncharge for Tribunal Claim and Mediation
 GST
 Total:

Amount

\$5,645.91
 \$773.91
 \$962.98
 \$7382.80

*It would be appreciated if you could use the following references with your payment:
 Particulars (Body Corporate No.): 346799
 Ref (Unit No.): 135V13H
 Code (Name): Kazufumi Ikeda



1. Please scan the QR code on the invoice via the QR code scanner APP (or download the APP from the APP store if you do not have one).
 2. This will then direct you to the payments portal where you can process your levy payments.

TEAR OFF HERE

Penalty interest 10% per annum will be charged on any overdue amount

Payment due date is 31/12/2018

Please deposit into the following account and quote your unit number as a reference

If paying by cheque please attach this remittance advice and make cheques payable to:

Name: BC346799 - Operational Trust A/C
 Bank: ASB
 Account: 12-3109-0152036-01

If paying in cash or EFTPOS:

Our office is at:
 Level 3, 115 Queen Street
 (Up Swanson Lane) Auckland

For Electronic Payments:

Name: BC 346799 - 37 A/C
 Bank: ASB
 Account: 12-3109-0169268-37
 Particulars (Body Corporate No.): 346799
 Ref: 135V13H

Body Corporate 346799
 C/- Body Corporate Administration Ltd
 P O Box 2322
 Auckland 1140

GST: \$962.98
 Total Amount: \$7382.80



**BODY CORPORATE
ADMINISTRATION**

❖ Level 3, 115 Queen Street, (Up Swanson Lane), Auckland
 ❖ P.O.Box 2322 Auckland 1140
 ❖ Phone +64 9 373 2336
 ❖ Fax +64 9 377 6743
 ❖ Mobile +64 21 612 336

Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

GST Tax Invoice

346799 - Victoria
 135 Victoria Street
 Auckland

Tax Invoice No.: INV150531
 Invoice Date: 20/05/2019
 Due Date: 03/06/2019
 Unit Number: 135V13H
 GST Reg. Number: 90-855-395

Invoice To:

Kazufumi Ikeda

kas.ikeda@vodafone.net.nz;kas2040@outlook.jp

Oncharge as per PBB Invoice 23455- Building WOF

Description	Amount
Oncharge as per PBB Invoice 23455- Building WOF	\$6,468.34
Oncharge as per PBB Invoice 23728	\$1,483.48
GST	\$1,192.77
Total:	\$9144.59

*It would be appreciated if you could use the following references with your payment:
 Particulars (Body Corporate No.): 346799
 Ref (Unit No.): 135V13H
 Code (Name): Kazufumi Ikeda



1. Please scan the QR code on the invoice via the QR code scanner APP (or download the APP from the APP store if you do not have one).
 2. This will then direct you to the payments portal where you can process your levy payments.

TEAR OFF HERE

Penalty interest 10% per annum will be charged on any overdue amount

Payment due date is 03/06/2019

Please deposit into the following account and quote your unit number as a reference

If paying by cheque please attach this remittance advice and make cheques payable to:
 Name: BC346799 - Operational Trust A/C
 Bank: ASB
 Account: 12-3109-0152036-01

If paying in cash or EFTPOS:
 Our office is at:
 Level 3, 115 Queen Street
 (Up Swanson Lane) Auckland

For Electronic Payments:

Name: BC 346799 - 37 A/C
 Bank: ASB
 Account: 12-3109-0169268-37
 Particulars (Body Corporate No): 346799
 Ref: 135V13H

Body Corporate 346799
 C/- Body Corporate Administration Ltd
 P O Box 2322
 Auckland 1140

GST: \$1,192.77
 Total Amount: \$9144.59



**BODY CORPORATE
ADMINISTRATION**

❖ Level 3, 115 Queen Street, (Up Swanson Lane), Auckland
❖ P.O.Box 2322 Auckland 1140
❖ Phone +64 9 373 2336
❖ Fax +64 9 377 6743
❖ Mobile +64 21 612 336

Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

GST Tax Invoice

346799 - Victopia
135 Victoria Street
Auckland

Tax Invoice No.: INV241242
Invoice Date: 28/01/2020
Due Date: 11/02/2020 ←
Unit Number: 135V13H
GST Reg. Number: 90-855-395

Invoice To:

Kazufumi Ikeda

kas.ikeda@vodafone.net.nz;kas2040@outlook.jp

Oncharge as per PBB invoice 23988

Description

Oncharge as per PBB invoice 23988

GST

Total:

Amount

\$3,019.00

\$452.85

\$3471.85

***It would be appreciated if you could use the following references with your payment:**

Particulars (Body Corporate No.): 346799

Ref (Unit No.): 135V13H

Code (Name): Kazufumi Ikeda



1. Please scan the QR code on the invoice via the QR code scanner APP (or download the APP from the APP store if you do not have one).
2. This will then direct you to the payments portal where you can process your levy payments.

TEAR OFF HERE

Penalty interest 10% per annum will be charged on any overdue amount

GST: \$452.85

Payment due date is 11/02/2020

Total Amount: \$3471.85

Please deposit into the following account and quote your unit number as a reference

If paying by cheque please attach this remittance advice and make cheques payable to:

Name: BC346799 - Operational Trust A/C
Bank: ASB
Account: 12-3109-0152036-01

If paying in cash or EFTPOS:

Our office is at:
Level 3, 115 Queen Street
(Up Swanson Lane) Auckland

For Electronic Payments:

Name: BC 346799 - 37 A/C
Bank: ASB
Account: 12-3109-0169268-37
Particulars (Body Corporate No): 346799
Ref: 135V13H

Body Corporate 346799
C/- Body Corporate Administration Ltd
P O Box 2322
Auckland 1140

Exhibit E Owners' Scream, etc.

kas2040@outlook.jp

差出人: Justine Girgin <justine.girgin@yahoo.com.au>
送信日時: 2019年11月1日金曜日 17:57
宛先: IKEDA Kas
件名: Private and Confidential
添付ファイル: Girgin.pdf

Unit 4B, JB
Owner

Hi Kas,

I have received this threatening email to silence me by the BCA lawyers. I do not wish to get myself involved in any litigation that could arise over this issue, as I do not have the money or available time to do so.

I now believe that it seems that no matter what we do we will be silenced and will never get a fair and transparent opportunity to make a positive impact with the BCA for the good of all unit holders in Victoria.

The BCA run their own show, and no one can stop them. They are now turning things around on me and stating that my Agenda items are defamatory and contradictory. So, I am not sure how much more I can deal with their rubbish. They are too weak to answer for themselves, instead they need a lawyer's help to respond to my Agenda items. Clearly I am not allowed to ask them hard questions they do not want to answer. I think it is wrong that my BC money is paying for the Lawyers that wrote me the letter. It is just ridiculous. I am not sure I can fight this battle after all. They are a waste of my energy.

I appreciate all you work in this Kas and you are a good person being so persistent. I take my hat to you and your strength for trying to fight this battle with the BCA.

Kind regards
Justine

Justine Girgin



PRICE BAKER BERRIDGE
BARRISTERS AND SOLICITORS

1 November 2019

Justine Girgin

By email: justine.girgin@yahoo.com.au

BODY CORPORATE 346799 – AGENDA FOR AGM – 14 NOVEMBER 2019

1. We have been asked to reply to your requests for items to be placed on the agenda at the upcoming AGM.
2. The purpose of this correspondence is to explain (as was the same last year with the same proposed resolutions) why some of them have not been placed on the agenda.
3. Firstly, there is no right to place items on the agenda. You are entitled to raise discussion points. However, where the points that you have raised might fairly be placed on the agenda as resolutions, the Committee has elected to do so.

4. In relation to particular items that have not been included:

4.1 “2019 AGM chair”

This item has not been placed on the agenda because it will have already been resolved when the Body Corporate elects to, or does not elect to, appoint an independent chair. The resolution will then be a nullity and otiose.

4.2 “2019 – 2020 committee”

This proposal (the wording of which is in part scandalous) is proposing an amendment to an existing agenda item which proposes a committee of seven. You can move this as a proposed amendment to the existing agenda item. If the earlier agenda item is passed or your amendment approved by the owners, the proposed resolution will be a nullity and otiose.

4.3 “Delegation of power to chairperson etc”

Again, this is in contrast to an earlier resolution which, if passed, will be a nullity and otiose.

4.4 “Chairperson maximum term of office”

Such resolution is not possible under the Unit Title Regulations and is a nullity.

4.5 “New chairperson (sic)”

This contradicts an existing resolution and if that resolution is passed, this will therefore be a nullity and otiose.

23988 / 00008 /

4.6 "New BC Manager"

The substance of the resolution has been included the same as last year. The parts that have been removed are scandalous and potentially defamatory.

4.7 "New building manager"

The substance of the resolution has been included the same as last year. The parts that have been removed are scandalous and potentially defamatory.

4.8 "New solicitor"

This contradicts an existing resolution and if that resolution is passed, this will therefore be a nullity and otiose.

4.9 "New building manager"

The substance of the resolution has been included the same as last year. The parts that have been removed are scandalous and potentially defamatory.

4.10 "Proceedings legal costs by defendants"

There is no resolution proposed.

4.11 "Compulsory annual auditing"

This contradicts an existing resolution and if that resolution is passed, this will therefore be a nullity and otiose.

4.12 "Budget approval"

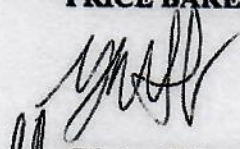
This contradicts an existing resolution and if that resolution is passed, this will therefore be a nullity and otiose.

4.13 "Committee meeting minutes approval"

This contradicts an existing resolution and if that resolution is passed, this will therefore be a nullity and otiose.

Yours faithfully

PRICE BAKER BERRIDGE



Clinton Baker
Partner

Email: cbaker@pbb.co.nz

DDI: 09 836 9434

CB:pew

Agenda Items and Discussion Topics – Nomination and Proposed Resolutions BC 346799 – AGM 14 November 2019

Agenda (2019-2020 Committee)

It is proposed that the Committee will comprise of 10 Unit Owners, and that a quorum for meetings of the Committee will be 8 members of the Committee, as our Victopia Apartments are a large development of 203 Units. As found by the Tenancy Tribunal Court, there is no Check and Balance function in the current conflict of interest BC Chairperson and Committee: Turner (14E, 14G, 13J, 4A), Koper (13P), Hay (13G), Lawrence (6C), Young (2D), Morgan (GC) and McDonald (11E) to oversee the conflict of interest contractors: BCA Ltd and the BM.

Resolution by Ordinary Resolution (50%)

Agenda (Delegation of Power to Chairperson, Committee, BCA Ltd and BM)

The BC 346799 (Victopia Owners) will not delegate power to the current BC Chairperson, Committee, BCA Ltd and BM. All important decisions must be consulted to the Victopia Owners for approvals. Copies of all AGM, EGM and Committee meeting minutes must be circulated to all Victopia Owners within 2 weeks.

Resolution by Ordinary Resolution (50%)

Agenda (New Chairperson)

Proposal to replace the current Chairperson Jacqie Turner with a new Chairperson who can offer all owners a fair, honest, ethical and transparent service. The BC Chairperson has been operating a service far from being transparent, honest and ethical as can be seen in the findings of the Tenancy Tribunal 9004521 Order on 27 June 2018, along with many owners' own personal experiences. As the current Chairperson was in breach of the Unit Titles Act 2010 during our 2017 AGM Election (Violation of Election). The BC 346799 (all Victopia owners) will vote no confidence to the current BC Chairperson. All Victopia owners will suggest that Jacqie Turner steps down from our Chairperson and Committee, or the BC (Victopia owners) will file a Unit Title Application against the Chairperson.

Resolution by Ordinary Resolution (50%)

Agenda (Chairperson Maximum Term of Office)

The BC 346799 (Victopia Owners) will set a limit of Chairperson's maximum term of Office as 3 consecutive years. The maximum total Office term is 6 years (2nd office term requires an approval by all Victopia Owners). Any Chairperson who already exceeded these maximum terms of Office cannot continue as the Chairperson. Any Chairperson who is found in breach of the Act by the Court cannot stand for a Chairperson and a Committee.

Resolution by Ordinary Resolution (50%)

Agenda (New Building Manager) (BM Agreement attached)

Proposal to replace the current Building Manager and appoint a new on-site BM. There are too many conflicts of interest for the current BM to conduct its duties in a clear, transparent, ethical and honest manner. The Tenancy Tribunal Court found that the BM was in numerous breaches of the Act during the 2017 AGM Election. Many owners have all personally experienced on numerous occasions bullying, threats, dishonest and unethical actions and conduct from the BM and his Aruba Management staff over many years. The BM and his staff are not operating in the best interest of the Victopia owners. The BC will decide our on-site BM's duties, responsibilities, office hours and performance appraisal in its Agreement. As found by the Court as numerous breaches, the BM collected at least 30 invalid AGM Proxies to vote for the current conflict of interest Chairperson and Committee, the BC (Victopia owners) will restrict the BM from obtaining Proxies and standing for our Committee. Or the BC will stop paying BM's annual fees, or the BC will file a Unit Title Application against the BM.

Resolution by Ordinary Resolution (50%)

Agenda (New Solicitor)

The BC 346799 (Victopia Owners) will not appoint Price Baker Berridge (PBB) as our BC Solicitor. During the Tenancy Tribunal proceedings, PBB acted as the Defendant's (current Chairperson, Committee, BCA Ltd and BM) defense Solicitor. PBB Clinton Baker is a shareholder of BCA Ltd. This is a conflict of interest. The BC will appoint a new BC legal agent (Solicitor) to represent all Victopia Owners, or the BC (Victopia owners) will file a formal complaint against PBB with the New Zealand Law Society Lawyers Complaints Service.

Resolution by Ordinary Resolution (50%)

Agenda (Remedial Fund)

Victopia owners request that the BC Committee provide copies of all original bank account statements for the \$26.5 million Remedial account / fund and statements of the interest earned since October 2016. Please provide information on which bank the \$26.5 million is being held, where is it being re-invested and how much is being compounded. All owners request statements showing any transaction history of this account. We also request the names and contact details of the bank manager in charge of this \$26.5 million account. We request these statements / documents so that all Victopia owners can see that there is clear and transparent management of our funds. We request to see all original bank statements which include dates, times, bank letterheads, and logos etc. We further request copies of all Teak invoices and payments since March 2019. There is no reason why this information cannot be provided to Victopia owners promptly.

Resolution by Ordinary Resolution (50%)

Agenda (Compulsory Annual Auditing)

All Victopia owners request annual, compulsory, third party auditing of all financial documents & statements of the BCA by engaging a third party auditor. This auditor is to be approved by all owners, not the Committee members and the BCA Ltd. If the current Committee and BCA were transparent and ethical, there should be no excuses why a third party auditor, approved by all owners, cannot be engaged.

Resolution by Ordinary Resolution (50%)

Agenda (2019–2020 BC Budget Approval)

The BC 346799 (Victoria Owners) will not approve the 2019–2020 Budget until an external, independent, third party auditor completes an appropriate Auditing for the 2018–2019 Financial statements.

Resolution by Ordinary Resolution (50%)

Agenda (Previous AGM, EGM, Committee meeting Minutes Approval)

The BC 346799 (Victoria Owners) will not approve any incorrect and misleading minutes records by the current Chairperson, Committee, BCA Ltd and the BM. There are breaches in the 2018 AGM minutes. The BC Chairperson, Committee and BCA Ltd once again failed to record a list of all Proxies in the minutes.

Resolution by Ordinary Resolution (50%)

**MINUTES OF ANNUAL GENERAL MEETING
HELD IN ACCORDANCE WITH THE UNIT TITLES ACT 2010**

BODY CORPORATE No. 346799

PROPERTY AT: Victopia Apartments, 135 Victoria Street West, Auckland City

AN ANNUAL GENERAL MEETING of this body corporate was held under the Unit Titles Act 2010 in the Motatapu Room, Grand Mercure Hotel, 8 Customs Street, Auckland City on Thursday 14th November 2019, commencing at 6.00 p.m.

PRESENT: As per Attendance List completed by owners:

Thuy Vu (Unit GA), Catherine Morgan (Unit GC), Grant Roberts (Unit GH), Helena Nortje (Unit ID), James Cai (Unit IM), David Davies (Units 2E & 6B), Kai Liu (Unit 2F), Tim Wu (Unit 2H), Gerry Papps (Unit 2J), Delanie Horrobin (Ray White – for Units 2L, 3E, 4G, 6B, & 6P), Yves-Louise Dorsemaine (One Place Property Management – Units 3B, 3D & 9B), The World Gospel Bible College Charitable Trust (Unit 3F), Daryl Anderson (Unit 3G), Ye Xia (Unit 3N), Glynis Buxton (Unit 4A), He Wang (Unit 4F), Jean-Marc d'Angeljan (Barfoot & Thompson – for Units 4L, 9L, & 12M), Deqiang Lao (Unit 4P), Young IL Ko (Units 5E & 5N), David Jennings (Unit 5G), Jason (Hiung) Kim (Units 5H and 6A), Ina Lawrence (Unit 6C), Anthony Horth (Noted for Unit 7E, but no proxy form provided), Landlords Ltd. (Units 7M & 8M), David Myles (Unit 8C), Tony Hall (Unit 8G), Kazufumi (Kas) Ikeda (Units 9F & 12H), Woo Sung (John) Han (Unit 9P), Ying Cao (Unit 10B), Qiulan (James) Xu (Unit 10J), Amy Lan (Unit 10K), Hao Yuan (Joe) Lin (Unit 10N), Gillian Jeavons (Unit 11A), Graeme McDonald (Building Manager, Unit 11E), Stuart Crowell (Unit 12D), Josh (Younghee) Kim (Unit 12E), Maria Jowett (Unit 13D), Sheng Liu (Unit 13E), Yana Hay (Unit 13G), Greg Chatfield (Unit 13J), Yanti Siman (Unit 13N), Dariusz and Malgorzata Koper (Unit 13P), Jacque Turner and Murray Chatfield (Units 14E, & 14G),

BCA Ltd
Glenn Kwok, Jayshree Moodley, and Paula Beaton (for part of the meeting) represented Body Corporate Administration Ltd. Additional staff were also present to assist with counting.

BM
Also in attendance: Joanna Pidgeon (Pidgeon Law, for Graeme McDonald), Amanda South and Clinton Baker (Price Baker Berridge), Gareth Lewis and David Powell

not appointed
at AGM

(Grimshaw & Co), Ian Harris (One Consulting), Trent Bowler (Neilson Lawyers – Remedial Contracts Lawyer), Sarah Sumankant (onsite Building Manager), Graham Harford (Independent Chair), and Luke and Amanda Hindt (LA Inspections)

Minutes	Action Point
<p>1. OPENING & CHAIR: Graham Harford chaired the meeting. Graham was nominated as Chair as a person independent to the Body Corporate and Body Corporate Administration Ltd, and when his proposition to reside as Chair was put to the floor, those present agreed to his appointment to chair the meeting by show of hands. It was resolved that Graham Harford chair the meeting.</p>	<p>Owners refused.</p>
<p>2. CONFIRMATION OF QUORUM:</p> <p><u>Apologies</u></p> <ul style="list-style-type: none"> - Josephine Pak Lee Wong, Stephen Anthony Tiong (Unit GE) - Varky Investments Ltd (Unit 2D) - Chu Len Fong, King Sing Fong (Unit 4E) <p><u>Proxies</u></p> <p>The list of proxies was read to the meeting by Glenn Kwok.</p> <p><u>Postal Voting Forms Received</u></p> <ul style="list-style-type: none"> - Edwin Yuam & Jean-Philippe Yuam (Unit 5D) - Bernard Hew & Zhaoyu Zhong (Unit 8K) - Bernard Hew & Zhaoyu Zhong (Unit 9C) - Jennie Bryant-Fisher & Steve Fisher (Lane Reed Investments, Unit 11P) <p>A quorum was established.</p>	<p>No List of Proxies (Breach)</p>
<p>3. CHAIRPERSON'S REPORT:</p> <p>The Chairperson's Report had been provided to owners prior to the meeting, as follows:</p> <p>VICTOPIA BODY CORPORATE 346799</p> <p>CHAIRPERSONS REPORT FOR THE FINANCIAL YEAR ENDING 24TH MAY 2019</p>	

**MINUTES OF ANNUAL GENERAL MEETING
HELD IN ACCORDANCE WITH THE UNIT TITLES ACT 2010**

BODY CORPORATE No. 346799

PROPERTY AT: Victopia Apartments, 135 Victoria Street West, Auckland Central

AN ANNUAL GENERAL MEETING of this body corporate was held under the Unit Titles Act 2010 in the Rangitoto/Browns Room, Grand Mercure Hotel, 8 Customs Street East, Auckland City on Wednesday 12th September 2018 commencing at 6.00p.m.

PRESENT: As per Attendance List completed by owners & proxies in attendance:
Thuy Vu (Unit GA), Catherine Morgan (Unit GC), Richie Yang & Ellie Ryu (KNC Construction Ltd, Unit GD), Stephen Tiong (Unit GE), Ojan Khoey (Unit GF), Grant Roberts (Unit GH), Gerry Papps, Helen Nortje (Unit 1D), Jean-Marc D'Anglejan-Chatillion, Charlene Wan, Villingi Young (Unit 2D) & John Aimer, Kai Liu (Unit 2F), Tim Wu (Unit 2H), May (Zhenxiang) Ma (Unit 5M), Ian (Yeon Ho) Kim (Unit 3A), Vincent Pineau & Phil Porteous (One Place Property Management), Daryl Anderson (Unit 3G), Ye (Lucy) Xia, Glenda & Noel Miller, Shirley Fong (Unit 4E) & Allen Sue, He Wang (Unit 4F), Xiaotian Hu (Unit 4M), Larissa Lao, Young II (Francis) Ko & Taewha Choi (Units 5E & 5N), Lindsay O'Neale & Anita O'Neale (Unit 5F), Hiung (Jason) Kim (Units 5H & 6A), Eka Tjahjadi & Lanawati Wiguna (Unit 5P), Ina Lawrence (Unit 6C), Edmund Lai (Unit 6N) & Kris Gong, John Hsu, Milly Bisch (Unit 7H) & Christian Bisch, Yoi Mun Wong (Unit 7L), Jose San Diego, David Myles (Unit 8C), Anthony (Tony) Hall (Unit 8G), Bernard Hew & Zhaoyu Zhong (Unit 8K), Jong Tae Lee (Unit 9E), Ben Huh & Kyung Huh (Unit 9H), Woosung Han (Unit 9P), Ying Cao (Unit 10B) & Dongjie Jin, Gillian Jeavons (Unit 11A), James Sullivan (Unit 11D), Graeme McDonald (Building Manager, Unit 11E), Shendi (Stan) Xiao (Unit 11J) & Nancy Ye, Stuart Crosswell, Josh (Young Hee) Kim (Unit 12E), Ali Feyzabadi (Unit 12N), Victor (Xuemei) Liu (Unit 13E), Yana Hay (Unit 13G), Kazufumi (Kas) Ikeda (Unit 13H), Gregory Chatfield, Jacquie Turner (Units 4A, 13J, 14G, & 14E), Lulu (Ning) Zuo & Peter Lai (Unit 13M), Dariusz Koper (Unit 13P) & Malgorzata Koper, and attendees from Ray White: Debbie Lyons, Delanie Horrobin & Amie Twidle.

BCA Ltd

Paula Beaton, Glenn Kwok, Jaysree Moodley, Andrew Zhang and Margot Holland represented Body Corporate Administration Ltd. Additional staff were also present to assist with counting.

Also in attendance: Harley Shen (interpreter for the meeting), Ian Harris (One Consulting), Gerard Ball (Babbage), Clinton Baker & Aimee Elia (Price Baker Berridge), Graham Harford (Independent Chair), and Joanna Pidgeon (Pidgeon Law, for Graeme McDonald).

BM

Minutes	Action Point
<p>1. OPENING & CHAIR: Graham Harford chaired the meeting.</p> <p>Graeme was nominated as Chair as a person independent to the Body Corporate and Body Corporate Administration Ltd, and when his proposition to reside as Chair was put to the floor, those present agreed to his appointment to chair the meeting by show of hands.</p> <p>It was resolved that Graham Harford chair the meeting.</p>	<p>Owners refused.</p>
<p>2. CONFIRMATION OF QUORUM:</p> <p>Apologies</p> <ul style="list-style-type: none"> - Roger Donnell (Unit 13K) - Stanley Yune (Unit 6G) - Hosill Shon (Unit 8D) <p>Proxies</p> <p>The list of proxies was read to the meeting by Paula Beaton.</p> <p>Postal Voting Forms Received</p> <ul style="list-style-type: none"> - Perry & Rosemary Child (Unit 2P) - Jennie Bryant-Fisher & Steve Fisher (Lane Reed Investments, Unit 11P) - Edwin Yuam & Jean-Philippe Yuam (Unit 5D) - Shenghui Xie & Yan Fang Ou (Unit 14D) <p>A quorum was established.</p> <p>It was also noted that an interpreter was present, should he be required.</p>	<p>No List of Proxies. (Breach)</p>
<p>3. PRESENTATION FROM IAN HARRIS: BUILDING REMEDIATION</p> <p>Ian Harris addressed the meeting regarding the matter of the progress of remedial works. He noted that</p>	



NEW ZEALAND



COMPANIES REGISTER

Generated on Wednesday, 18 April 2018 15:35:27 NZST

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The search results contained in this report have been taken from information supplied to the registrar of Companies and is current as at the date and time printed above.

Your Search Criteria:

Search Type: Shareholder
 Name: Baker Clinton
 Director Status: Current
 Entity Type: NZ Limited Company
 Entity Status: Registered

PBB Clinton Baker

Key Points to note about this report

Your search criteria returned 4 results.

BAKER, Clinton

RIVERVIEW APARTMENTS LIMITED (2450342)
 Former Shareholder: <1% (individually held)
 58 Ardmore Road, Heme Bay, Auckland

BAKER, Clinton

BOBY CORPORATE ADMINISTRATION LIMITED (269784)
 Former Shareholder: <1% (individually held)
 29 Elizabethan Gardens, St Heliers, Auckland

BAKER, Clinton

PRICE BAKER BERRIDGE TRUSTEE COMPANY LIMITED (1481121)
 Shareholder: 100% (jointly held)
 9 West End Road, Heme Bay, Auckland, 1032, New Zealand

BAKER, Clinton Peter

CLINTON BAKER BUILDERS LIMITED (6068771)
 Shareholder: 50% (individually held)
 202 Golf Road, Taumarunui, Taumarunui, 3920, New Zealand
 Director: Appointed 01 Aug 2016
 202 Golf Road, Taumarunui, Taumarunui, 3920, New Zealand



Company Extract
BODY CORPORATE ADMINISTRATION LIMITED
269784

*BCA Ltd
as
BC Manager*

NZBN: 9429039854575

Entity Type:	NZ Limited Company
Incorporated:	10 May 1985
Current Status:	Registered
Constitution Filed:	Yes
Annual Return Filing Month:	April

Ultimate holding company: No

Company Addresses

Registered Office

7th Floor, Southern Cross Building, 61 High Street, Auckland, NZ

Address for Service

7th Floor, Southern Cross Building, 61 High Street, Auckland, NZ

Directors

Director of BCA Ltd
KWOK, Glenn Harry
Unit 5e, 25 Rutland Street, Auckland Central, Auckland, 1010, NZ

Shareholdings

Total Number of Shares: 1,000

Extensive Shareholdings: No

1,000 KWOK, Glenn Harry
Unit 5e, 25 Rutland Street, Auckland Central, Auckland, 1010,
NZ



Company Extract
BODY CORPORATE ADMINISTRATORS LIMITED
710730
NZBN: 9429038375354

Entity Type: NZ Limited Company
Incorporated: 16 Jan 1996
Current Status: Registered
Constitution Filed: Yes
Annual Return Filing Month: October

Ultimate holding company: No

Company Addresses

Registered Office
Level 3, 115 Queen Street, Auckland, NZ

*BCA Ltd
address*

Address for Service
Level 3, 118 Queen St, Auckland, NZ

Directors
BEATON, Paula Kelly
29 Elizabethan Gardens, St Heliers, Auckland, 1071, NZ

General Manager of BCA Ltd

Shareholdings

Total Number of Shares: 1,000

Extensive Shareholdings: No

1,000 **BEATON, Paula Kelly**
29 Elizabethan Gardens, St Heliers, Auckland

GMD INVESTMENTS LIMITED (1465517) Registered

To maintain this company [log on here](#)

Last updated on 07 8 2019

Company Summary

Company number: 1465517
NZBN: 9429035636557
Incorporation Date: 01 12 2003
Company Status: Registered
Entity type: NZ Limited Company
Constitution filed: [Yes](#)
AR filing month: July , last filed on [07 8 2019](#)

Ultimate holding company: No

Company addresses: **Registered Office**
JOHNSTON ASSOCIATES
CHARTERED ACCOUNTANTS
LIMITED, 202 Ponsonby Road,
Ponsonby, Auckland, 1011 , New Zealand

Address for service
JOHNSTON ASSOCIATES
CHARTERED ACCOUNTANTS
LIMITED, 202 Ponsonby Road,
Ponsonby, Auckland, 1011 , New Zealand

[View all addresses](#)

[Directors](#)

Showing 1 of 1 directors
Graeme John MCDONALD
Suite 11c Victoria Building, 135
Victoria Street West, Auckland,
1011 , New Zealand

Company record link: <http://app.companiesoffice.govt.nz/co/1465517>

Additional NZBN Information

Trading

Name(s):

Phone

Number(s):

Email

Address(es):

Website(s):

Industry

Classification(s):

[View all NZBN details](#)

Directors (1)

Full legal name:

Graeme John MCDONALD

Residential Address:

Suite 11c Victopia Building, 135 Victoria Street West,

Auckland, 1011 , New Zealand

Appointment Date:

01 12 2003

Consent:

[Link to Consent Form](#)

Shareholdings (1)

Total Number of Shares:

2

Extensive Shareholding:

No

Shareholders in Allocation:

Allocation 1:

2 shares (100.00%)

Joanna Maree PIDGEON

Level 14, 126 Vincent Street, Auckland

Central, Auckland, 1010 , New Zealand

Historic data for shareholders

[Show History](#)

BODY CORPORATE 346799

Victoria Apartments

Property at

135 Victoria Street, Auckland City, Auckland

Financial Statements

For The Year Ended 24th May 2019

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Statement of Operating Financial Performance

346799 Victopia
25 May 18 to 24 May 19

Income

		Full Year Budget	Actual as at 24.05.19	Variance	Actual as at 24.05.18
Income	Dividend Received	0.00	1,140.00	1,140.00	1,050.00
	Interest - Overdue Levies	0.00	171.32	171.32	0.00
	Interest Received - Bank	0.00	491.74	491.74	2,056.10
	Interest Received - Bank (Remedial)	0.00	221.57	221.57	142.59
	Body Corporate Levy	460,620.73	460,619.37	(1.36)	372,270.11
	Other Income	0.00	3,749.43	3,749.43	2,124.60
	Sub Total:	460,620.73	466,393.43	5,772.70	377,643.40
	Total Income:	460,620.73	466,393.43	5,772.70	377,643.40

Expenses

		Full Year Budget	Actual as at 24.05.19	Variance	Actual as at 24.05.18
Building Compliance	AIQP	400.00	500.00	(100.00)	0.00
	Building Warrant of Fitness	1,100.00	1,931.01	(831.01)	1,500.00
	Fire Alarm Monitoring	1,200.00	1,280.71	(80.71)	973.01
	Fire Protection - Contract & Testing	12,000.00	12,750.25	(750.25)	10,126.02
	Sub Total:	14,700.00	16,461.97	(1,761.97)	12,599.03
Cleaning	A-Jet Cleaning	3,750.00	8,594.00	(4,844.00)	6,908.00
	Common Area Cleaning	35,600.00	37,317.97	(1,717.97)	38,126.95
	Inaccessible exterior glass cleaning	1,600.00	0.00	1,600.00	3,576.60
	Sub Total:	40,950.00	45,911.97	(4,961.97)	48,611.55
Expenses	Plumbing & Drainage	7,105.00	9,986.00	(2,881.00)	7,105.00
	Proprietor Unit 13H vs. Victopia body corporate	0.00	28,986.56	(28,986.56)	26,415.53
	Sub Total:	7,105.00	38,972.56	(31,867.56)	33,520.53

*Defendants'
Lost proceedings*

Statement of Operating Financial Performance

346799 Victoria
25 May 18 to 24 May 19

Lawyers fees

		Full Year Budget	Actual as at 24.05.19	Variance	Actual as at 24.05.18
General Expenses	AGM Expenses	0.00	35,359.91	(35,359.91)	0.00
	General Expenses	1,000.00	6,340.37	(5,340.37)	832.68
	Venue Hire - AGM/EGM	1,000.00	1,285.22	(285.22)	0.00
	Sub Total:	2,000.00	42,985.50	(40,985.50)	832.68
Insurance	Insurance Office Bearers Liability	1,475.00	1,475.00	0.00	1,440.00
	Insurance Premium	105,037.95	105,037.95	0.00	93,519.53
	Insurance Valuation Fee	1,200.00	1,200.00	0.00	1,200.00
	Sub Total:	107,712.95	107,712.95	0.00	96,159.53
On-Site Contractor	Building Managers Fee	60,733.22	61,399.03	(665.81)	60,895.06
	Building Managers Office, Phone etc	4,094.40	2,396.27	1,698.13	4,094.40
	Building Managers Unit Levy	3,000.00	2,994.04	5.96	2,419.80
	Building Managers Unit Rental	33,072.00	30,902.70	2,169.30	33,072.00
	Rates	2,000.00	1,779.17	220.83	1,971.37
	Sub Total:	102,899.62	99,471.21	3,428.41	102,462.63
Professional Charges	Administration / Secretarial Fee	42,000.00	42,000.00	0.00	35,513.96
	Legal Fees	2,000.00	1,466.76	533.24	0.00
	Sub Total:	44,000.00	43,466.76	533.24	35,513.96
R&M, Service Contracts	Annual Roof Inspection	900.00	1,291.00	(391.00)	1,291.00
	Contingency Expense	10,000.00	9,836.26	163.74	15,118.05
	HVAC - Maintenance	1,064.00	4,091.00	(3,027.00)	2,421.98
	Lift	18,889.20	20,648.33	(1,759.13)	24,641.29
	Oncharges for Unit Costs	0.00	(128.43)	128.43	5,782.31
	R & M - General	30,000.00	20,652.92	9,347.08	32,717.96
	Security - Mobile Patrols	14,400.00	13,748.00	652.00	14,671.00

Body Corporate 346799 - Victoria Apartments

Property at 135 Victoria Street, Auckland

Notes to Financial Statements

1. Statement of Accounting Policies

Reporting Entity

The financial statements presented here are for the entity Victoria Apartments – BC 346799, a registered body corporate as defined in the Unit Title Act 2010. Gladstone Apartments – BC 346799 is not for profit entity. These financial statements are special purpose financial statements.

Measurement System

The accounting principles recognised as appropriate for the measurement and reporting of earnings and financial position on an historical costs basis have been used, with the exception of certain items for which specific accounting policies have been identified.

2. Specific Accounting Policies

2.1 Goods & Services Tax

These financial statements have prepared exclusive of GST.

Changes in accounting policies

There have been no changes in Accounting Policies. All policies have been applied on basis consistent with those used in last financial year.

3. YTD Expenditure Variances Analysis

3.1 Building Warrant of Fitness

BWOF YTD expenditure exceeded annual budget due to the quarterly service inspection on the diesel pump done by Universal Pump & Control Services.

3.2 Proprietor Unit 13H vs. Victoria body corporate

Proprietor Unit 13H vs Victoria body corporate YTD expenditure were related to the following matters, which were ended up as body corporate costs and such costs were not budgeted for 2018/2019 period:

- Legal services provided for tribunal claim & mediation
- Legal services provided to liaise with Unit 13H's solicitor (Doug Cowan)

3.3 AGM Expenses

AGM Expenses YTD expenditure exceeded annual budget due were related to the following legal services provided before and after the 2018 AGM meeting, which were ended up as body corporate costs and such costs were not budgeted for 2018/2019 period:

- Review AGM documents before AGM date
- Professional services for preparing and chairing the AGM meeting
- Audit AGM voting at 2018 AGM meeting
- Prepared poll vote as per request by Unit 13H's owner

Body Corporate 346799 - Victoria Apartments

Property at 135 Victoria Street, Auckland

Notes to Financial Statements

Please note that all above budget items with big variances has resulted total of \$64,588 net operating fund deficit balance at year-ended date. Especially the costs related to the Unit 13H and AGM were not budgeted and spending out of the previous years' accumulated surplus reserve fund.

all legal costs
by the Defendants