

**IN THE DISTRICT COURT
HELD AT AUCKLAND**

TENANCY TRIBUNAL

9026601 (Unit 6L)

9026621 (Unit 9L)

9027541 (Unit 3H)

9027641 (Unit GA)

9027701 (Unit 4C)

UNDER Unit Titles Act 2010

BETWEEN

**Body Corporate 346799 Chairperson, Committee, BCA Ltd, BM Aruba
Management and Price Baker Berridge**

Level 3, 115 Queen Street, PO Box 2322, Auckland 1140

Applicant

AND

**Hyung Been Kang (Unit 6L), Marie Gueirard (Unit 9L), Heegon Jung (Unit 3H),
Thuy Vu (Unit GA) and Nick Stoikos (Unit 4C)**

Respondents

SECOND AFFIDAVIT OF KAZUFUMI (KAS) IKEDA

8 July 2021

Hearing on Wednesday 9 June 2021

Adjudicator: J Tam

SECOND AFFIDAVIT OF KAZUFUMI (KAS) IKEDA

I, Kazufumi (Kas) IKEDA of Auckland, Business Consultant, swear-

1. My name is Kazufumi (Kas) Ikeda. I have previously provided my first Affidavit on 8 June 2021 for this Matter. I make this further Affidavit to address and update some particulars in my previous Affidavit. I am duly authorised by the Respondents to make this Affidavit on their behalf. I have full knowledge of the facts to which I depose save where context indicates otherwise.

Our independent, 3rd Party QS CCC Peer Review Evidence, \$1.1 million Deck Levy Overcharge Fraud to 130 Deck Victims

2. As the attached in my first Affidavit, the Applicant Committee's \$2.7 million Deck Levies based on the advice by the Committee's Remediation Project Manager Ian Harris and Quantity Surveyor Axcia has been now found a \$1.1 million overcharge Fraud to our 130 Deck Victims. The "17-year Chairperson Turner" and Committee cannot use their conventional excuses of "advice" and "recommendation" by the Committee's Consultants. Some Deck owners already paid their Deck Levies (on average \$10,000 overcharge) in full. Units 1H (TT 9025421, \$28,963 Deck Levy) and 5C (TT 9027421, \$16,711 Deck Levy) were TT applications filed by the conflict-of-interest BCA Ltd Solicitor PBB Clinton Baker to make money by volume together with the "17-year BC Manager BCA Ltd" (as BCA Ltd failed to file its Time record, no Costs should be awarded to BCA Ltd). Other Deck owners have been still paying their Deck Levies and Penalty Interests by 12 instalments. However, all Victopia owners only have obligation to pay reasonable Levies / Contribution fairly resolved at our AGMs, not by the Resolutions by the Committee who was already found numerous UTA breaches by the TT Adjudicator B Harvey, the DC Judge G M Harrison and the HC Justice Lang J. This most important Matter must be investigated and determined by the TT Adjudicator J Tam who has a jurisdiction to determine a wide range of the UTA Matters. We seek a very tough TT Order to invalidate the Committee's \$1.1 million (\$2.7 million) overcharge Fraud Deck Levies to our 130 Deck Victims.

2021 07 05 Chairperson Turner Update on further \$17.46 million Fake Shortfall Levies by Committee's Fake Delegation

3. As the attached Exhibit A, 203 Victopia owners have just received the Applicant

Chairperson Turner's Remediation update on 5 July 2021 attempting to levy further \$17.46 million Fake Shortfall to our all 203 owners. The Committee also resolved three Resolutions on 28 May 2021: (1) \$1.6 million Ventilation Levy, (2) \$857,343 additional Deck Levy, and (3) \$15 million Cladding Shortfall Levy, totalling further \$17.46 million Levy attempt under the HC section 74 scheme as the in-breach Committee's conventional excuse. The Committee has been attempting to make any important decisions by the Committee Resolutions taking full advantage of the s74 scheme, without any appropriate AGM Agenda and Resolutions (by 75% Special Resolution). As I attached in my 1st Affidavit, TT already found the Committee, BCA Ltd, and BM Aruba Management's numerous UTA breaches in terms of 2016 2017 and 2018 failures in full detailed information provision and 2017 AGM violation of election to vote for Turner, Koper, Morgan, Hay, Young, Lawrence and BM Aruba Management McDonald. Both DC and HC also supported the TT's Orders against the Applicant / Defendants. To prove the Applicant's / Defendants' ongoing UTA breach actions, I filed in my 1st Affidavit several new UTA breach evidences of the Applicant / Defendants. As shown in the Turner's recent Remediation update, the Committee has been ongoingly attempting to make Committee's decisions by their conventional excuses of the s74 scheme and obligation to complete Remediation. Again, all Victopia owners only have obligation to pay weathertightness-related repairs' reasonable Costs / Levies, not for any Betterment variation Costs, such as Ventilation. It is the fact that no Victopia owners majority-voted for Turner for our Chairperson and her supporter owners for our Committee at our 2017, 2018, 2019 and 2020 AGMs. To stop the Committee's ongoing AGM violation of election action together with BCA Ltd Beaton, Kwok and Moodley and their conflict-of-interest Lawyers: PBB Baker, Grimshaw Lewis, Harford and Pidgeon, the TT Adjudicator J Tam also has his jurisdiction to investigate and determine the Committee's Fake Delegation. All Victopia owners will separately file our formal complaints with the New Zealand Law Society against these Lawyers and Conveyancers Act 2008 breach Lawyers, to stop their ongoing and annual interference into our clean and democratic AGM Chairperson and Committee election.

4. The in-breach Chairperson Turner and Committee members Koper, Morgan, Hay and Young have been mis-representing and mis-managing and never worked in all Victopia owners best interest. Rather, all of these Defendants have been just working in their own best interest by using and wasting our BC's both Operational and Remedial funds for many years, which is an absolute Abuse of the Committee

Power against all Victopia owners (the BC). We seek very tough TT Orders against the Chairperson Turner and Committee Koper, Morgan, Hay, Young and BM Aruba Robertson to step down from our Committee immediately, and to restrict BCA Ltd Beaton, Kwok and Jayshree, and BM Aruba Management regarding their all aspect of AGM election, especially their Fake Proxy votes and Fake Outstanding to make our legal voting Right ineligible.

5. The five Respondents, I and all Victopia owners seek very tough TT Orders against the Applicant / Defendants this time, in order to finish off the endless and numerous UTA breach actions by the Applicant / Defendants.

6. The Defendants: Chairperson Turner, Committee Koper, Morgan, Hay and Young, BCA Ltd Beaton and Kwok and BM Aruba Management have been in breach of the TT Order by the Adjudicator S Benson on 1 November 2016 by its non-compliance by refusing to release a full 203 Victopia owners' contact list to me (IKEDA) for 4 years and 8 months since 1 November 2016. We seek a very tough TT Order against the Defendants to immediately release a full 203 Victopia owners contact list to me for our free communications on our numerous BC issues.

SWORN at Auckland)
this day of July 2021)
before me:) _____
Kazufumi (Kas) Ikeda

A Solicitor of the High Court of New Zealand / A Justice of the Peace