

# **Residents' Association of Canary Riverside CONSTITUTION**

## **1. NAME**

The name of the Association shall be the Residents' Association of Canary Riverside, herein after called 'the Association'.

## **2. THE PROPERTY**

The residential apartments within the four buildings known as Belgrave Court, Berkeley Tower, Eaton House and Hanover House.

## **3. OBJECTS OF THE ASSOCIATION**

- i. To promote and protect the common rights and interests of the members of the Association relating to the use and enjoyment of the Property;
- ii. To exercise the rights conferred upon the Association by recognition under the Landlord and Tenant Act 1985 or such other statutory rights that may be given by any subsequent enactment

## **4. MEMBERSHIP**

Membership shall be open to all leaseholders and tenants (including sub-tenants) of residential units who are responsible for paying the variable service charge at The Property, other than the Landlord, or any superior landlord and employees or connected persons or officers or agents of the same. A company that is a tenant or sub-tenant (if not connected with the landlord) shall be eligible for membership, in which case voting rights shall be exercisable by a person duly authorised by the company.

Voting shall be restricted to one vote for each apartment at Canary Riverside.

Membership of the Association shall be an acknowledgement and acceptance of the Constitution of the Association.

Membership of the Association shall terminate:

- i. Upon a member giving written notice to that effect to the Secretary of the Association;
- ii. Upon a member ceasing to be a lessee of an apartment at the property in which case, he/she shall within 14 days give written notice of the fact to the Secretary;
- iii. Upon failure by a member to pay any annual subscription deemed due and payable in respect of their apartment for three months after the same became due and payable;
- iv. Upon removal by a resolution carried by the votes of at least 75% of the members at a General Meeting of the Association;
- v. Membership of the Association may be suspended for such period as is determined by the votes of a majority of at least 75% of the members at a General Meeting of the Association.

Membership of the Association shall be confirmed upon formal acceptance by the proposed member of the Constitution of the Association. A copy of this Constitution shall be given to each member.

The Committee may at its discretion extend associate membership to any other person or persons residing at the Property but such associate members shall not be elected as officers or members of the Committee of the Association and shall not be entitled to any vote.

Neither the Landlord, the Landlord's Representative, any company controlled by the Landlord or any employee of the Landlord shall be a member or associate of the Association.

## **5. SUBSCRIPTION**

Currently the Association imposes no subscription.

It shall be for the AGM to determine whether one is needed and the amount of such. The annual subscription shall be due on 1st January of each year. One subscription payment shall be paid in respect of each apartment. A member joining part way through the financial year shall be entitled to a pro-rata abatement on the due membership subscription

## **6. ORGANISATION**

There shall be a Committee, which shall consist of three officers of the Association, a Chairman, Secretary and Treasurer, and up to five additional committee members. All shall be members of the Association.

The officers shall be elected annually at the Annual General Meeting (AGM) and shall hold office until the following AGM of the Association, when they shall be eligible for re-election without re-nomination.

The Secretary shall keep and make available for inspection whenever so requested by a member:

- i. a record of the business transacted at the AGM;
- ii. copies of all written and notes of all oral communications with the landlord and managing agent and any replies received.

## **7. THE COMMITTEE**

The Committee may fill any vacancy occurring on the Committee or among the officers for the remainder of its term of office.

The Committee may appoint sub-committees from its membership, whose decisions shall be subject to confirmation by the whole Committee.

The Committee shall meet as and when required, its quorum consisting of a simple majority of its members, at least two of whom must be officers. Reasonable notice shall be given for Committee meetings, which may be called by any member of the Committee.

In the event of a tied vote at a Committee meeting the Chairman or acting Chairman may make a casting vote.

The Committee shall implement the objects of the Association and the resolutions of the Association

## **8. ELECTIONS**

Nominations for the appointment of officers and for membership of the Committee shall be proposed and seconded by two members of the Association in writing and lodged with the Secretary 14 days prior to the AGM and shall include the written consent of the nominee.

The Committee shall be empowered to fill any casual vacancy occurring on the Committee or among the officers and any person so appointed shall serve until the next AGM at the Association.

## **9. MEETINGS**

The first AGM shall be held within three months of the end of the first financial year. Thereafter the AGM of the Association shall be held no later than three months from the end of the financial year

The Annual Report of the Committee and the Annual Accounts shall be presented for discussion and adoption at the AGM and copies may be distributed with the Notice of the meeting.

All other meetings of the Association shall be Extraordinary General Meetings (EGM) and shall be convened at any time by the Secretary either upon written instructions of the Committee or upon a written request to the Secretary signed by no fewer than five members of the Association.

General Meetings shall be convened on 14 days written Notice, which Notice shall incorporate the Agenda for the meeting.

A minimum of 25% of the membership of the Association shall be quorum for General Meetings, and no business shall be transacted unless a quorum is present. Representations by proxy shall count towards the quorum. If within fifteen minutes from the time appointed for a meeting a quorum is not present then the meeting, if convened at the request of members, shall be dissolved, but if an AGM or convened by the Committee the meeting shall stand adjourned at the discretion of the Committee. A separate quorum of 10% of eligible members shall apply to voting for purposes governed by residential leasehold law.

Seven days Notice in writing shall be given to the Secretary of any resolution to be moved at any General Meeting, unless the Chairman at the meeting admits the resolution. A Notice containing all resolutions and nominations, with the names of the proposers and seconders, shall be circulated or kept by the Secretary available for inspection by any member of the Association seven days before the General Meeting. An annual report will be circulated to all members.

The Agenda shall comprise any draft resolution that is proposed to be considered and (in the case of the AGM) nominations for the officers and Committees and a copy of the audited accounts (where relevant) for approval.

A record containing all resolutions and nominations to be moved at any General Meeting to either the names of those proposing and seconding each resolution or nomination shall be maintained by the Secretary; such record shall be made available for inspection by any member of the Association for seven days prior to the AGM.

Minutes of all appointments of officers and resolutions carried at AGMs or EGMs shall be taken. The Minute Book shall be open to inspection by any member of the Association who shall be entitled to take copies thereof.

Voting at meetings of the Association shall be by simple majority and by a show of hands, unless a majority demands a ballot. In the case of an equality of votes the Chairman shall have the casting vote.

## **10. VOTING**

One vote shall be exercisable in respect of any one residential unit, subject to the following:

- i. Where both a tenant and a sub-tenant of a unit are members of the Association, the vote exercisable shall be the vote of the superior tenant, unless the sub-tenant has a tenancy which is both fixed for more than one year and is on terms affected by variations in the variable service charge
- ii. For purposes connected with the requirements of residential leasehold law and other purposes affecting or tending to affect service charge expenditures, voting shall be restricted to affected variable service charge payers

Members shall notify the Secretary of the identity of the person entitled to vote in respect of each residential unit and the Secretary shall maintain a list of such persons. The Secretary shall maintain a separate list of those members entitled to vote for purposes connected with residential leasehold law.

A member of the Association may authorise another person to attend a General Meeting as a proxy and to vote on behalf of the absent member; such authorisation in written form approved by the Committee shall be lodged with the Secretary at least 7 days before the meeting, or shall be submitted to the Chairman at the meeting.

Voting at meetings of the Association shall be by simple majority and by a show of hands, unless a majority demands a ballot. In the case of a tied vote the Chairman or Acting Chairman shall have the casting vote.

## **11. FINANCE**

The property and funds of the Association shall be held and administered by the Treasurer subject to the Constitution and Rules of the Association and the control of the Committee. The Treasurer shall obtain a receipt for any payment made; a resolution of the Committee shall be sufficient authority for any payment made out of the funds of the Association, and the Committee shall be empowered to delegate to the Treasurer authority to make payments at that officer's discretion where the payments are in relation to normal and reasonable running expenses of the Association.

The financial year of the Association shall end on each 31 December.

An Annual Statement of Accounts and Balance Sheet made up to this date shall be submitted for approval at the following AGM. A banking/building society account may be opened in the name of the Association. Two Committee members, of whom one must be an officer, shall sign cheques.

## **12. ALTERATIONS TO THE CONSTITUTION**

No alterations to the Rules and Constitution of the Association shall be made except at the AGM or at an EGM.

### **13. COMPLAINTS/DISAGREEMENTS/SUGGESTIONS**

Complaints and suggestions on matters concerning the Association together with any disagreements as to its conduct or policies shall be made in writing to the Secretary.

### **14. DISCLAIMER**

Any advice or assistance given or rendered to members or any action taken by the Association acting through the Committee in the name of the Association's members shall be without liability or responsibility on the part of the Committee for any loss or damage.

Members should take independent professional advice in all matters affecting their interests or where possible conflict could arise between members.

### **15. DISSOLUTION**

In the event of the Association being wound up, any surplus funds shall be returned to the members by way of a pro-rated distribution.

#### **Concerning the Data Protection Act 1998**

Information that you volunteer to the Residents' Association of Canary Riverside is handled in accordance with the Data Protection Act 1998, the principles of which are that personal information should be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not kept longer than necessary
- processed in accordance with the data subjects' rights
- secure
- not transferred to countries outside the EU without adequate protection

Data that you volunteer are processed and stored solely for the purposes of:

- Administration
- Public relations
- Accounts and records
- Communications between the Association and you

Under the Data Protection Act you are entitled to a copy of any information held about you.

**Confidentiality** Data will be made available only to authorised personnel within the Association who we believe reasonably need to come into contact with that information and will not be given to other parties except as may be required by law.