

On approval of the Rules for making decisions on the management of the condominium object and the maintenance of the common property of the condominium object, as well as standard forms of the minutes of the meeting

#### Unofficial translation

Order of the acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated March 30, 2020 № 163. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 2, 2020 № 20283.

Unofficial translation

In accordance with subparagraph 9) of Article 10-2 of the Law of the Republic of Kazakhstan "On Housing Relations" **I HEREBY ORDER**:

Footnote. Preamble - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 27.12.2023 № 165 (shall come into effect ten calendar days after the day of its first official publication).

- 1. To approve:
- 1) The rules for making decisions on the management of the condominium object and the maintenance of the common property of the condominium object, in accordance with appendix 1 to this order;
- 2) Standard forms of the minutes of the meeting in accordance with the appendix to this order, in accordance with appendix 2 to this order.
- 2. Declare invalid order Of the Minister of National Economy of the Republic of Kazakhstan dated March 20, 2015 № 243 "On Approval of the Standard Forms of the Minutes of the Meeting of the Owners of Premises (Apartments) and the Voting List When Conducting a Written Survey of the Owners of Premises (Apartments), a Report on the Management of the Condominium Object" of legal acts № 10573, published on April 29, 2015 in the information and legal system "Adilet").
- 3. The Committee for Construction and Housing and Communal Services of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan, in the manner prescribed by law, shall ensure:
- 1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;
- 2) posting this order on the Internet resource of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan.
- 4. Control over the execution of this order shall be entrusted to the supervising vice minister of industry and infrastructure development of the Republic of Kazakhstan.

5. This order shall be enforced upon the expiration of ten calendar days after the day of its first official publication.

Acting
Minister of Industry and
infrastructure development
Republic of Kazakhstan

K. Uskenbaev

Appendix1 to order dated March 30, 2020 № 163

#### The Rules

for making decisions on the management of the condominium object and the maintenance of the common property of the condominium object

Footnote. Rules - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 27.12.2023 № 165 (shall come into effect ten calendar days after the day of its first official publication).

## Chapter 1. General Provisions

- 1. These Rules for making decisions on the management of the condominium object and the maintenance of the common property of the condominium object (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 9) of Article 10-2 of Law of the Republic of Kazakhstan "On Housing Relations" (hereinafter referred to as the Law) and shall regulate the relations arising at a meeting between the owners of apartments and non-residential premises in the process of making decisions on the management of the condominium object and the maintenance of the common property of the condominium object
  - 2. These Rules shall use the following basic concepts:
- 1) voting the process of making decisions by the owners of apartments, non-residential premises related to the management of the condominium object and the maintenance of the common property of the condominium object, as well as by the owners of parking spaces, storage rooms, decisions related to the maintenance of parking spaces and storage rooms, carried out through an open expression of will at a meeting held in person or by written survey. Owners of apartments, non-residential premises, parking spaces, and storage rooms at a meeting held in person or by written poll, can vote through information objects in the field of housing relations and housing and communal services;
- 2) association of Property Owners of a multi-apartment residential building (hereinafter referred to as the Association of Property Owners) a legal entity that is a non-profit organization formed by the owners of apartments, non-residential premises of one multi-apartment residential building, managing the condominium facility, financing its maintenance and ensuring its safety;

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- 3) meeting of owners of apartments, non-residential premises of a multi-apartment residential building (hereinafter referred to as the Meeting) the highest management body of the condominium object, ensuring collective discussion and decision-making by the owners of apartments, non-residential premises related to the management of the condominium object and the maintenance of the common property of the condominium object, by voting;
- 4) a meeting of owners of parking spaces, and storage rooms of an apartment building (hereinafter referred to as the PSSR meeting) a body that ensures collective discussion and decision-making by the owners of parking spaces and storage rooms related to the maintenance of parking spaces and storage rooms, by voting;
- 5) the council of an apartment building (hereinafter referred to as the House council) a collegial management body of a condominium facility, elected from among the owners of apartments and non-residential premises.

## Chapter 2. Procedure for holding a meeting

- 3. The meeting shall be held in the following forms:
- 1) by open expression of will, carried out in person, including using an information object in the field of housing relations and housing and communal services, a subscriber device for cellular communications and using other methods not prohibited by the legislation of the Republic of Kazakhstan, with mandatory identification of the owner of the apartment, non-residential premises;
- 2) by written survey, including using an informatization object in the field of housing relations and housing and communal services, a cellular subscriber device and other methods not prohibited by the legislation of the Republic of Kazakhstan, with mandatory identification of the owner of the apartment, non-residential premises.
- 4. The meeting shall be held at least once a year. The meeting shall be convened or a written survey shall be appointed on the initiative of the house council or the chairman of the association of property owners, the trustee of a simple partnership, or at the request of the audit commission (auditor), or the request of at least ten percent of the owners of apartments, non-residential premises, or at the initiative of the housing inspection. When holding a meeting, these persons shall decide on choosing an informatization object in the field of housing relations and housing and communal services for conducting electronic voting.
- 5. The owners of apartments and non-residential premises shall be notified of the upcoming meeting by the house council or the chairman of the association of property owners, the trustee of a simple partnership, or the audit commission (auditor), or at least ten percent of the owners of apartments, non-residential premises, or the housing inspection at least in advance ten calendar days about the date of the meeting by posting an announcement in public places, as well as individually by e-mail or by the subscriber number of the subscriber's cellular device.
  - 6. Notices of a meeting shall indicate:

- 1) date, place, and time of this meeting;
- 2) the agenda of this meeting;
- 3) information about the initiator of the meeting;
- 4) the form of holding this meeting (by open expression of will at a meeting held in attendance or a written survey);
- 5) the procedure for familiarizing with the information and (or) materials that will be presented at this meeting, and the place or address where they can be viewed.

Materials at the meeting shall be provided by the initiator for review by the owners of apartments, and non-residential premises, as well as persons participating in the meeting, upon application by the owner of the apartment, and non-residential premises before the start of the meeting.

When convening a meeting on the initiative of at least ten percent of the owners of apartments and non-residential premises, a notification shall be drawn up in accordance with Appendix 1 to these Rules.

- 7. Owners of apartments and non-residential premises shall participate in the meeting in person or through their representatives. Representatives of the owners of apartments and non-residential premises shall submit documents confirming their proper authority (power of attorney or lease (sublease) agreement for housing provided from the public housing stock, where the tenant (subtenant) takes part and votes in the management of the condominium facility). A power of attorney issued to the representative of the owner of an apartment or non-residential premises shall be drawn up in accordance with the requirements of the legislation on notaries.
- 8. To determine the eligibility of a meeting, it shall be necessary to first register in the registration sheet of owners of apartments, and non-residential premises in an apartment building, participating in the meeting in accordance with Appendix 2 to these Rules.

The registration sheet for owners of apartments and non-residential premises shall contain the following information:

- 1) identification data of the owner of apartments, non-residential premises (last name, first name, patronymic (if any) or identification data of the representative of the owner of apartments, non-residential premises (last name, first name, patronymic (if any), information about the document on which his/her powers are based, the term of such powers;
- 2) number of the apartment or non-residential premises (cellular phone number, email address of the owner of the apartment, non-residential premises, to which messages about general meetings can be sent).

If the owner of an apartment or non-residential premises owns several apartments or non-residential premises, he shall be registered for each apartment or non-residential premises separately.

9. A meeting held in person by owners of apartments and non-residential premises shall be opened at the time specified in the notice of the meeting by the initiator of the meeting.

10. Organizational and procedural issues of holding a meeting in person shall be resolved by the initiator of the meeting.

The procedural and organizational issues of conducting such a meeting shall include the following issues:

- 1) the procedure for conducting the meeting and other procedural issues;
- 2) election of the chairman of the meeting;
- 3) election of the secretary of the meeting;
- 4) determination of turnout and presence of a quorum;
- 5) other issues related to holding a meeting and making decisions on the management of the condominium facility and the maintenance of the common property of the condominium facility of an apartment building.

At a meeting held in person, the owners of apartments and non-residential premises shall make decisions not only on the issues included in the agenda but also on other issues that arose during the meeting.

#### Chapter 3. Procedure for making a decision

11. The meeting shall be competent to decide if more than half of the total number of owners of apartments and non-residential premises participate in it.

The decision shall be made with the consent of the majority of the total number of owners of apartments and non-residential premises who directly took part in voting on the following issues:

- 1) election of the chairman of the association of property owners, trustee of a simple partnership, members of the house council, re-election, as well as early termination of their powers;
- 2) election of an audit commission (auditor), re-election, as well as early termination of their powers;
- 3) deciding on choosing the form of management of the condominium object or delegating authority to choose the form of management to the house council;
- 4) deciding on choosing a manager of an apartment building or a management company or delegating such powers to the building council;
- 5) approval of the charter of the association of property owners or conclusion of a simple partnership agreement;
  - 6) making a decision on replacing (repairing) elevators in an apartment building;
- 7) approval of the annual report on the management of the condominium object and the maintenance of the common property of the condominium object on the implementation of the annual cost estimate for the management of the condominium object and the maintenance of the common property of the condominium object;

- 8) deciding on transferring to the owner of an apartment, non-residential premises or third parties part of the common property of the condominium object for property lease (lease) or delegating such authority to the house council;
- 9) deciding on the selection of subjects of service activities or delegating such authority to the house council;
- 10) agreeing, if necessary, on the amount of remuneration for the house council and the audit commission (auditor) based on the results of activities for the reporting period;
- 11) agreeing on the amount of remuneration for the chairman of the association of property owners, the authorized representative of the simple partnership;
- 12) deciding on choosing an object of informatization in the field of housing relations and housing and communal services or delegating such authority to the house council.
- 12. The meeting shall make decisions with the consent of the majority of the total number of owners of apartments and non-residential premises on the following issues:
- 1) determination of the common property of the condominium object, as well as changes in its composition;
- 2) approval of the amount of contributions for accumulating money for major repairs of the common property of the condominium facility, exceeding the amount of contributions provided for by this Law;
- 3) approval of the annual cost estimate for managing the condominium facility and maintaining the common property of the condominium facility, making changes and additions to it, as well as approving the amount of expenses for managing the condominium facility and maintaining the common property of the condominium facility;
- 4) approval of the amount of payment for the maintenance of a parking space, and storage room in accordance with the methodology for calculating the cost estimate for managing the condominium facility and maintaining the common property of the condominium facility, as well as the methodology for calculating the minimum amount of costs for managing the condominium facility and maintaining the common property of the condominium facility;
- 5) deciding on carrying out major repairs of the common property of the condominium object (modernization, reconstruction, restoration), on approving the annual cost estimate for carrying out major repairs of the common property of the condominium object;
  - 6) deciding on the collection of targeted contributions and their amount;
  - 7) deciding on spending money accumulated in a savings account.

In the case of organizing and financing the replacement (repair) of the elevator of one of the entrances of an apartment building at the expense of budget funds with the condition of ensuring the repayment of funds by the owners of apartments and non-residential premises, the owners of apartments, non-residential premises of a given entrance of an apartment building may decide to replace (repair) the elevator in a given entrance of a multi-apartment residential building, with the consent of more than two-thirds of the total number of owners of apartments, non-residential premises of a given entrance of a multi-apartment residential building with the execution of the appropriate protocol.

In the case provided for in part one of this paragraph, payment of the costs of replacing (repairing) the elevator shall be carried out by the owners of apartments, non-residential premises of a given entrance of an apartment building.

- 13. The PSSR meeting shall make decisions with the consent of the majority of the total number of parking spaces and storage rooms only on the following issues:
- 1) approval of the amount of payment for the maintenance of a parking space, and storage room in accordance with the methodology for calculating the cost estimate for managing the condominium facility and maintaining the common property of the condominium facility, as well as the methodology for calculating the minimum amount of costs for managing the condominium facility and maintaining the common property of the condominium facility;
- 2) decision-making by the owners of parking spaces and storage rooms on the collection of targeted contributions and their amount.

Owners of parking spaces and storage rooms shall make decisions at the meeting only on the issues specified in subparagraphs 1) and 2) of this paragraph.

The decision shall be considered adopted if the majority of owners of parking spaces and storage rooms out of the total number of owners of parking spaces and storage rooms votes for it.

- 14. The minutes of the meeting by open expression of will, carried out in person shall be conducted by the elected secretary of the meeting and drawn up in accordance with the standard form of the minutes in accordance with Form 1 of Appendix 2 to this Order, and on issues specified in subparagraphs 1), 2) of paragraph 13 of these Rules, drawn up in accordance with the form 2 appendices 2 to this Order.
- 15. The voting sheet of the owners of apartments, and non-residential premises indicating their last name, first name, patronymic (if any) (if it is indicated in the identity document), numbers of apartments, non-residential premises shall be drawn up in accordance with Appendix 3 to these Rules.

The voting sheet of the owners of parking spaces, and storage rooms, indicating their last name, first name, patronymic (if any) (if it is indicated in the identity document), and numbers of parking spaces, and storage rooms shall be drawn up in accordance with Appendix 4 to these Rules.

For each question submitted for discussion, a separate voting sheet shall be filled out.

Voting sheets shall be an integral part of the minutes of the meeting; they shall be bound and numbered.

16. The meeting shall be held by written poll if the previously announced meeting in attendance did not take place due to the lack of a quorum.

The meeting shall be held on the initiative of the house council, the chairman of the association of property owners, the trustee of a simple partnership, at the request of the audit commission (auditor), or the initiative of the housing inspection, or the request of at least ten percent of the owners of apartments and non-residential premises.

- 17. To organize a meeting by conducting a written survey, an initiative group shall be determined from among the owners of apartments, and non-residential premises, on the issues specified in subparagraphs 1), 2) of paragraph 13 of these Rules from among the owners of parking spaces, storage rooms.
- 18. If a meeting is held through a written survey, along with a notice of such a meeting indicating the agenda, a written survey sheet shall be sent by hand or by email to each owner of an apartment, non-residential premises, parking space, storage room within seven calendar days from the date of the written announcement survey. Sheets of written questioning shall be drawn up in accordance with Appendix 5 or 6 to these Rules and shall be an integral part of the minutes of the meeting, bound and numbered.
- 19. The owner of an apartment, non-residential premises in the written survey sheet shall indicate the last name, first name, patronymic (if any) (if it is indicated in the identity document), number of the apartment, non-residential premises, fill out in his/her own hand an opinion on each issue put to a vote, and sign the written survey sheet.

The owner of a parking space, or storage room in the written survey sheet shall indicate the last name, first name, patronymic (if any) (if it is indicated in the identity document), the number of the parking space, storage room, fill out his own opinion on each issue put to vote, and sign written survey sheet.

A written survey shall be carried out within no more than two months from the date of announcement of the meeting.

- 20. The house council or the initiative group shall collect and receive written survey sheets on purpose or by e-mail for recording and drawing up a protocol for the written survey.
- 21. Summarizing the voting results through a written survey shall be carried out collegiately by members of the house council, an initiative group from among the owners of apartments, non-residential premises, the chairman of the association of property owners or a trustee of a simple partnership or a representative of the management company or the manager of an apartment building (if any).

Voting results shall be summed up through a written survey on the maintenance of parking spaces, and storage rooms, carried out by members of the building council, an initiative group from among the owners of parking spaces, and storage rooms, the chairman of the association of property owners or a trustee of a simple partnership or a representative of the management company or the manager of an apartment building (if any).

22. The results of voting by written survey shall be documented in a protocol in accordance with Form 3 of Appendix 2 to this Order and shall be posted in publicly accessible places.

23. Voting of the owner of an apartment, non-residential premises, shall be carried out through information objects in the field of housing relations and housing and communal services, a cellular subscriber device and using other methods not prohibited by the legislation of the Republic of Kazakhstan, with mandatory identification of the owner of the apartment, non-residential premises.

The results of electronic voting shall be recorded through information objects in the field of housing relations and housing and communal services.

When summing up the voting results, the votes of the owners of apartments and non-residential premises shall be taken into account at a meeting held in person and through an informatization object in the field of housing relations and housing and communal services , through a written survey and an informatization object in the field of housing relations and housing and communal services.

For owners of parking spaces and storage rooms, the provisions of paragraph 22 of these Rules shall apply regarding the maintenance of parking spaces and storage rooms.

Advertisement and housing and communal services in accordance with the Rules for the formation, processing, as well as centralized collection and storage of information in electronic form, approved by order of the Acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated March 31, 2020 № 172 (registered in the State Register of Normative Legal Acts under № 20245), including the functioning of informatization objects in the field of housing relations and housing and communal services.

- 25. In the case of electronic execution of the protocol, the chairman, secretary, and members of the house council shall sign with an electronic digital signature.
- 26. The decisions made by the meeting, documented in a paper protocol or a printed electronic protocol, shall be document when considering controversial and other issues in court, other government bodies and organizations as the will of the owners of apartments, non-residential premises, and also serve as the basis for calculating housing assistance.
- 27. Each owner of an apartment, or non-residential premises shall receive the voting results of other owners, apartments, and non-residential premises.

The owner of a parking space or storage room shall receive the voting results only as other owners of parking spaces and storage rooms voted.

Appendix 1
to the Rules for making
decisions on the management
of the condominium object and
the maintenance of the common
property of the condominium
object

Notification of co	n	vening a	a meetin	g by the initiative group
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and communal services shall not be required and excluded.

Member of the house council:

Appendix 6
to the Rules for making decisions
on the management of the condominium
object and the maintenance of the
common
property of the condominium object

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\* when voting through information objects in the field of housing relations and housing and communal services shall not be required and excluded.

Appendix 7 to the Rules for making decisions on the management of the condominium

# object and the maintenance of the common property of the condominium object

Registration s	sheet of owners of ap	artments, non-r	esidential premise	s of an apartment building	3,
participating	in the meeting ""_	20	_		
Location	of the apartment bu	ıilding:			
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(last nam	ie, first name, patroi	nymic (if any)	(signature)		
Secretary	of the meeting:				
(last nam	ne, first name, patro	nymic (if any)	(signature)		
Member	of the house counci	1:			
(last nam	ne, first name, patro	nymic (if any)	(signature)		
	of the house counci				
(last nam	ne, first name, patro	nymic (if any)	(signature)		
·	•			endix 2 to order	
			dated Mar	rch 30, 2020 № 163	
				Form 1	
non-residentia person)		-	·	ion of will, carried out in	
on the initiati	ve of		<del></del>		
Footnote	e. Standard forms ar	e in the wordir	ng of the Order of	f the Minister of Industry	y and
			•	No 165 (effective ten cale	
	e date of its first off				
•		*	,		
1. 20000		· • • • • • • • • • • • • • • • • • • •			
2. Total 1	number of apartmen	at owners:			
3. Total 1	number of owners o	of non-residenti	al premises:		
	ber of participants a	at the meeting	(in the form acco	ording to the appendix to	o the

5. Invited persons: (last name, first name, patronymic (if any)	
6. Form of the meeting	
Agenda of the meeting:	
1	
2	
Persons speaking: (last name, first name, patronymic (if any)	
Voting results:	
Issues put to vote:	
On paper: For Against Abstained	
Results of voting at the meeting:	
Decision made by voting:	
1	
2	
Chairman of the meeting:	
(last name, first name, patronymic (if any) (signature)	
Secretary of the meeting:	
(last name, first name, patronymic (if any) (signature)	
Member of the house council	
(last name, first name, patronymic (if any) (signature) Form 2	
Minutes № of the meeting of owners of parking spaces, storage rooms of an apartment building (by open expression of will, conducted in person on the initiative of	n)
time20	
1. Location of an apartment building:	
2. Total number of owners of parking spaces:	
3. Total number of owners of storage rooms:	
4. Number of participants at the meeting (in the form according to the appenminutes):	dix to the
5. Invited persons: (last name, first name, patronymic (if any)	
6. Form of the meeting	
Agenda of the meeting:	
1	

2
Persons who spoke: (last name, first name, patronymic (if any)
Voting results:
Issues put to vote:
1
On paper: For Against Abstained
Through information objects in the field of housing relations and housing and commun
services:
For Against Abstained
2
On paper: For Against Abstained
Through informatization objects in the field of housing relations and housing an
communal services:
For Against Abstained
Results of voting at the meeting:
Decision made by voting:
1
2.
Chairman of the meeting:
(last name, first name, patronymic (if any) (signature)
Secretary of the meeting:
(last name, first name, patronymic (if any) (signature)
Member of the house council
(last name, first name, patronymic (if any) (signature)
Form 3
Minutes № of the meeting of owners of apartments, non-residential premises of an apartment building (conducted by written survey)
1. Location of an apartment building:
2. Total number of apartment owners:
3. Total number of owners of non-residential premises:
4. Number of people who took part in the written survey
(according to the form of the written survey sheet accompanying the protocol):
5. Form of the meeting

•	of the meeting:	
1 2		
Voting re	sults: Issues put to	ro vote:
For	Against	Abstained
For	Against	Abstained
		ut through a written poll (on paper):
Results o	f voting carried ou	ut through an electronic poll sheet (in electronic format
through c	bjects of informat	tization in the field of housing relations and housing
and comr	nunal services): _	
		1
		conymic (if any) (signature)
Secretary	of the meeting: _	
(last nam	e, first name, patro	conymic (if any) (signature)
Member	of the house counc	ncil
(last nam	e, first name, patro	conymic (if any) (signature)
Member	of the house counc	ncil
(last nam	e, first name, patro	conymic (if any) (signature)
Member	of the house counc	ncil
(last nam	e, first name, patro	conymic (if any) (signature)
Form 4		
ilding	of the meeting of written survey)	f owners of parking spaces, and storage rooms of an apartme
	··20	) time
		ent building:
2. Total 1	number of parking	g spaces:

<sup>4.</sup> Number of people who took part in the written survey (according to the form of the written survey sheet accompanying the protocol):

5. Form of the meeting
Agenda of the meeting:
1
2
Voting results:
Issues put to vote:
1
On paper: For Against Abstained
Through information objects in the field of housing relations and housing and communal
services:
For Against Abstained
2
On paper:
For Against Abstained
Through information objects in the field of housing relations and housing and communal
services:
For Against Abstained
Results of voting conducted by means of a written survey (on paper):
Results of voting conducted by means of an electronic survey sheet
(in electronic format through objects of informatization in the field of housing
relations and housing and communal services):
Decision made by voting:
1
2
Chairman of the meeting:
(last name, first name, patronymic (if any) (signature)
Secretary of the meeting:
(last name, first name, patronymic (if any) (signature)
Member of the house council
(last name, first name, patronymic (if any) (signature)
Member of the house council
(last name, first name, patronymic (if any) (signature)
Member of the house council
(last name, first name, patronymic (if any) (signature)

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