

In the District Court
at Thames

CIV 2022-090-1759

I te Kōti-ā-Rohe
ki Pārāwai

In the matter of An application for authorisation for the territorial
authority to carry out building work

Under Section 220 of the Building Act 2004

Between **Thames-Coromandel District Council**
Applicant

And **Puriri Posthumously Trustees Limited**
First Respondent

And **Steven Lawrence Hart**
Second Respondent

Continued over

Orders pursuant to s 220 of the Building Act 2004 authorising the territorial authority to carry out building work

1 November 2024

Judicial officer: Judge PR Spiller



PO Box 105147
Auckland 1143

Solicitor:
Simon Waalkens | Jodi Libbey
M: 027 443 3443 | 021 383 832
E: simon.waalkens@ricespeir.co.nz
Jodi.Libbey@ricespeir.co.nz

Orders pursuant to s 220 of the Building Act 2004 authorising the territorial authority to carry out building work

1. The originating application filed by the Thames-Coromandel District Council (**the Council**) on 21 October 2022, pursuant to s 220 of the Building Act 2004 (**the Act**), for authorisation to carry out building work on behalf of the Respondents on default in relation to the buildings situated at 18 Neavesville Road, Puriri (**Property**), was determined by Judge PR Spiller on 11 October 2024.
2. The determination was made following a hearing held on 10 October 2024. Jodi Libbey and Simon Waalkens appeared as counsel for the Applicant. The Respondents were self-represented by the second respondent, Steven Hart.
3. The following orders are granted against Puriri Posthumously Trustees Company Limited ("**Puriri**") as the registered proprietor of the property:
 - a. The Council is authorised to carry out building work (including demolition if deemed appropriate), pursuant to s 220 of the Act, required to make compliant the building works at the Property as identified in the Final Notices to Fix dated 10 February 2022:
 - i. NTF 2022/6 issued in respect of the Two Storey Structure;
 - ii. NTF 2022/21 issued in respect of the Converted Shed; and
 - iii. NTF 2022/22 issued in respect of the Tree House.
 - b. The First Respondent, as owner of the Property, is liable for the actual and reasonable costs of the Council's authorised building work. Once the costs of the Council's authorised building works have been quantified, and upon the filing of an affidavit with a schedule of costs and supporting invoices, the Court will make an order of costs in favour of the Applicant for the actual and reasonable costs incurred in completing the authorised building work including demolition.
 - c. The costs awarded are recoverable by the Council and will become a charge on the land on which the work was carried out.

4. For the avoidance of doubt, pursuant to this order, the New Zealand Police (**Police**) may provide all reasonable assistance to the Council and/or its contractors in carrying out the terms of this order.

Date: November 2024

Judge PR Spiller

District Court Judge | Kaiwhakawā o te Kōti ā-Rohe