

**IN THE WEATHERTIGHT HOMES TRIBUNAL**

**TRI 2010-100-32  
[2011] NZWHT AUCKLAND 50**

BETWEEN      RENEE JENNY EVA NEWMAN  
                         Claimant

AND             AUCKLAND COUNCIL  
                         First Respondent

AND             HUGHES & TUKE CONSTRUCTION  
                         LTD  
                         Second Respondent

AND             DAVID CHARLES TUKE  
                         Third Respondent

AND             DAVID B MCGLASHAN  
                         Fourth Respondent

AND             RRL GROUP LIMITED  
                         Fifth Respondent

AND             BARRY RUSSELL BROWN  
                         (Undischarged Bankrupt)  
                         Sixth Respondent

AND             ALUMINIUM CITY (PENROSE)  
                         LIMITED (in Liquidation)  
                         Seventh Respondent

AND             SCOTT MARSHALL  
                         (Removed)  
                         Eighth Respondent

AND             FROGLEY PLUMBING SERVICES  
                         LIMITED  
                         Ninth Respondent

AND             STEPHEN JOHN FROGLEY  
                         Tenth Respondent

AND             VERO INSURANCE NEW ZEALAND  
                         LIMITED  
                         Eleventh Respondent

Hearing:            11-15 July 2011

Closing Written  
Submissions:      20 July 2011

Closing Oral  
Submissions: 22 July 2011

Closing Written  
Submissions on  
Quantum solely: August 2011

Extended  
Hearing of Oral  
Submissions on  
Quantum solely: August 2011

Appearances: Mr P Langlois and Mr R Potter for the claimants  
Mr P Robertson for the first respondent  
Mr D Wilson for the second and third respondents  
Mr G Kohler for the fourth respondent  
Mr S J Frogley, the tenth respondent – self represented  
Ms T Wood and Ms Tompkins for the eleventh respondent

Decision: 21 October 2011

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**FINAL DETERMINATION**  
**Adjudicator: K D Kilgour**

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[1] The claimant's claim succeeds to the extent of \$238,035.00 for the reasons set down in the attached "Reasons for Final Determination" and otherwise calculated on the basis of the column headed "J White" in Annexure 2, which can be summarised as follows:

Remedial costs claimed total	\$183,182.00
Consequential costs with \$9,000 rental accommodation deduction	\$8,951.00
Interest	\$20,902.00
Subtotal	\$213,035.00
General damages	\$25,000.00
<b>TOTAL claimed</b>	<b>\$238,035.00</b>

[2] The Auckland Council is ordered to pay the claimant the sum of \$238,035.00 forthwith.

**DATED** this 21 day of October 2011

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K D Kilgour  
Tribunal Member