

**IN THE WEATHERTIGHT HOMES TRIBUNAL
TRI 2008-101-000059 and 66**

BETWEEN	BRODAV LIMITED Claimant 1
AND	COOK FAMILY TRUST Claimant 2
AND	COLIN & PAMELA WATERS First Respondents
AND	WILLIAM MCMULLAN (REMOVED) Second Respondent
AND	WAIMAKARIRI DISTRICT COUNCIL (REMOVED) Third Respondent
AND	PRIME BUILDING COMPLIANCE LIMITED (REMOVED) Fourth Respondent
AND	AVON ROOFING (1999) LIMITED (REMOVED) Fifth Respondent
AND	TIM FIELD ARCHITECT LIMITED (STRUCK OFF) Sixth Respondent
AND	LIONEL WHEELER Seventh Respondent
AND	TIMOTHY FIELD Eighth Respondent
AND	CRAIG COLLINGS (as to claim 66 only) Ninth Respondent

DETERMINATION
Pursuant to Section 90(2) of the
Weathertight Homes Resolution Services Act 2006
Dated 13 August 2009

Introduction

1. This claim was resolved by consent orders. At the time of the making of the order claims did not seek determination pursuant to section 90(2).
2. Mr Bell, counsel for the Cook Family Trust, has now applied for such an order as the first respondents have failed to carry out the work which they had agreed to do including the obtaining of a permit. This work was to be done with the assistance of the seventh respondent. The building permit was to be applied for within two weeks of the settlement date being 23 February 2009. The work was then to be completed within six weeks of the issue of the permit.
3. Subsequently there was a teleconference in which the first respondent said that they had been prepared by their architect and were about to file the work permit and to complete the work. This has not been done.

The Law

4. Section 90(2) makes it a requirement of the Tribunal to make a monetary order pursuant to Section 90(2). In light of a default such an order has to be made. The claimants seek the sum of \$30,000.00 being the amount quoted to repair the house by the claimants builder Mr Stephen Arangiwanaga.
5. The claimants acknowledged \$10,000.00 that has already been paid to the second claimant of way of settlement from the second and third respondent.
6. The Tribunal makes an order that the first and seventh respondents pay the sum of \$20,900.00 to the claimants forth with pursuant to Section 90(2).

DATED at Wellington this 13th day of August 2009

C B Ruthe

Tribunal Member