IN THE CANTERBURY EARTHQUAKES INSURANCE TRIBUNAL

CEIT-007-2022

IN THE MATTER OF CANTERBURY EARTHQUAKES INSURANCE TRIBUNAL ACT 2019

BETWEEN

FIL Applicant

AND

EQC Respondent

On the papers

MINUTE OF E J FLASZYNSKI

Dated 11 December 2023

[1] The applicant has filed an application for a non-party discovery order against ABCD, the property managers for the property at XXXXX Christchurch, owned by the applicant.

[2] Under clause 13 of Part 1, Schedule 2, of the Canterbury Earthquakes Insurance Act 2019 the Tribunal has the power to make an order for discovery that the District Court may make under section 106 of the District Court Act 2016. Section 106 provides for discovery against a non-party after proceedings have commenced if it appears to the court, at any stage of a proceeding, that a document or class of documents may be or may have been in the possession, custody or power of a person who is not a party to the proceedings.

[3] I have reviewed the affidavit of FIL. The jurisdiction has been made out.

[4] I am satisfied that documents regarding the various subfloor replacement work carried out to the Property are, may be or were in the possession, custody or control of ABCD.

- [5] I hereby order that:
 - (a) ABCD file and serve upon the applicant within 10 working days of the date of this order, an affidavit stating whether the documents falling within the categories listed on the attached schedule are or have been in the control of the deponent and if they have been but are no longer in the deponent's control, to disclose when the deponent parted with them and what became of them.
 - (b) ABCD make the documents specified in the affidavit and within its control, available for inspection by way of exchange to the applicant.
 - (c) On receipt, the applicant is to make a copy of the documents available to the first and second respondents and file a copy in the Tribunal.

Mynl

E J Flaszynski Member Canterbury Earthquakes Insurance Tribunal