

UNDER the Weathertight Homes Resolution Services Act 2006

IN THE MATTER of a reconsideration of the Chief Executive's decision under section 49

**CLAIM NO. 7221: JOHNSTON
PROPERTY HOLDINGS
LIMITED – 2/235 Ponsonby
Road, Ponsonby, Auckland
1011**

**ELIGIBILITY DECISION OF THE CHAIR OF THE
WEATHERTIGHT HOMES TRIBUNAL**

[1] Johnston Property Holdings Limited (JPH) is the owner of Unit 2/235 Ponsonby Road, Auckland. On 20 August 2013 JPH filed an application with the Ministry of Business, Innovation and Employment (MBIE) for a WHRS assessor's report. The assessor and chief executive concluded that the claim was not an eligible claim because it was not filed within ten years of the dwelling being built.

[2] On 3 March 2014 JPH filed an application for reconsideration of the chief executive's decision under s 49 of the Weathertight Homes Resolution Services Act 2006 (the Act). This application was signed by Lauren Johnston on behalf of Richard Anthony Johnston, director of Johnston Property Holdings Limited.

[3] Section 5 of the application for reconsideration requires the claimant to provide sufficient details to support the application. In this section Ms Johnston stated that the company would provide evidence to confirm that the property was built after August 2003. Ms Johnston requested an extension of time to provide this evidence.

[4] On 5 March 2014 the Tribunal Chair, Ms McConnell, wrote to JPL at the address provided and sent a copy of this letter to Mr Johnston by email to the email address provided. Ms McConnell required the information in support of the application to be provided by 28 March 2014.

[5] Ms Johnston then requested a further extension and on 1 April 2014 she was advised that a further extension had been granted until 4 April 2014. Ms Johnston was told to request further time before the expiry of this timetable, if required.

[6] On 17 April 2014 the Tribunal again wrote to Ms Johnston by email and by post to JPL asking when supporting documents would be submitted.

[7] On 1 May 2014 on behalf of the Chair I wrote to Mr Johnston and Ms Johnston by post and by email to each of them personally advising that a further and final extension to 8 May 2014 was granted for the filing of any information to support their application for reconsideration. I directed that if no further information was filed by this date the application by JPL would be dismissed.

[8] No supporting information has been provided by the applicant.

Conclusion

[9] In the absence of any evidence to the contrary I accept the conclusion of the chief executive and conclude that claim 7221 does not meet the eligibility criteria as set out in the Weathertight Homes Resolution Services Act 2006.

DATED this 12th day of May 2014

S Pezaro
Tribunal Member