

IN THE WEATHERTIGHT HOMES TRIBUNAL

**TRI-2011-100-000057
[2012] NZWHT AUCKLAND 16**

BETWEEN	JING HUANG Claimant
AND	AUCKLAND COUNCIL First Respondent
AND	MOON YIN KEUNG Second Respondent
AND	OWEN LAMB Third Respondent

Decision: 16 March 2012

DETERMINATION

of liability and quantum in respect of the Auckland Council, First Respondent
Adjudicator: P J Andrew

INTRODUCTION

[1] By joint memorandum dated 5 March 2012 the claimant and Auckland Council, the first respondent, have invited the Tribunal to issue a determination against the Council for \$340,000.00.

[2] The memorandum records that the claimant and the Council have reached an accommodation and agree on the following terms:

- a) the Council concedes liability for the defects set out in paragraph 12 of the statement of claim dated 28 June 2012;
- b) the Council agrees that the quantum of the claim at \$340,000.00;
- c) the claimant abandons the claim against the Council for any amount over \$340,000.00.

[3] The third respondent, Mr Lamb, does not oppose judgment being entered against the Council in a manner proposed.

DETERMINATION

[4] I accept that the Tribunal should accede to the invitation in the joint memorandum of 5 March 2012. I determine that the Auckland Council is liable to the claimant in the sum of \$340,000.00.

[5] Auckland Council, the first respondent, is ordered to pay to the claimant the sum of \$340,000.00 forthwith.

[6] The Council's claim against Mr Lamb will be the subject of a separate determination to issue in due course.

DATED this 16th day of March 2012



P J Andrew
Tribunal Member