



SUMMARY

Case: La Grouw as Trustee of the GJ Peacocke Trust v Rantin & MRA Architects Ltd

File No: TRI 2009-100-000086/DBH 05445

Citation: [2011] NZWHT Auckland 8

Adjudicator: RM Carter

Date of Decision: 28 January 2011

Background

The claimant, Mrs La Grouw, as a trustee, brought the claim regarding deck alterations carried out on the house owned by the G J Peacocke Trust. Settlement was reached with Mr Rantin, the architect and first respondent, and the Auckland Council, the third respondent. Only Mr David Watson and Actual Defined Design Limited, the second respondents, remained.

Facts

- 1996: Ms La Grouw purchased house.
- 1999: Prendos Limited carried out inspection and advised Ms La Grouw house was leaky.
- 18 September 2000: Council issued building consent for alteration.
- November 2000: Building work commenced.
- 28 March 2007: Section of floor at entrance collapsed.
- 24 May 2007: Ms La Grouw applied for assessor's report.
- 18 July 2007: Assessor's report issued. Stated that entrance alteration met 'leaky building' criteria.
- 21 October 2009: Ms La Grouw applied to Tribunal for adjudication.

Summary of Decision

Second respondent, Mr David Watson and Actual Defined Design Limited, Designer

The Tribunal applied the standard set out in *Sunset Terraces* that designers, in preparing the plans, are entitled to assume that a reasonable builder would have access to, and rely on, the manufacturers' specifications, and that this documentation does not need to be replicated by the designer in the plans.

Upon considering the evidence, it was concluded that the second respondents' drawings met this standard.

Result

The claimant's claim ultimately failed as the drawings were sufficient to enable a reasonably competent builder to construct the deck and alterations to the entrance way in a code compliant manner.