

IN THE SUPREME COURT OF NEW ZEALAND

SC 120/2013
[2014] NZSC 13

BETWEEN UNIVERSITY OF CANTERBURY
Applicant

AND THE INSURANCE COUNCIL OF NEW
ZEALAND INCORPORATED
First Respondent

CHRISTCHURCH CITY COUNCIL
Second Respondent

BODY CORPORATE 423446 (OXFORD
BODY CORPORATE)
Third Respondent

Court: McGrath, Glazebrook and Arnold JJ

Counsel: T C Weston QC and D A Webb for Applicant
D J Goddard QC and T A Spinka for First Respondent
D J S Laing for Second Respondent
C A McVeigh QC and S T Cottrell for Third Respondent

Judgment: 26 February 2014

JUDGMENT OF THE COURT

The application for leave to appeal is granted on the following question:

Where a building is an earthquake-prone building in terms of s 122(1) of the Building Act 2004, is a council entitled under s 124(1)(c)(i) of the Act to require the building to be strengthened to an extent greater than is necessary to ensure that the building will not have its ultimate capacity exceeded in a moderate earthquake (as defined in reg 7 of the Building (Specified Systems,

**Change the Use and Earthquake-prone Buildings)
Regulations 2005)?**

Solicitors:

MDS Law, Christchurch for Applicant

Jones Fee, Auckland for First Respondent

Simpson Grierson, Wellington for Second Respondent

GCA Lawyers, Christchurch for Third Respondent