

# Ratepayers pick up leaky home bill

HANK SCHOUTEN    Last updated 05:00 03/03/2014

Ratepayers are picking up a \$1.9 million leaky home bill after a judgment ruled Wellington City Council failed to do its job properly.

Residents in a leaky Glenmore St townhouse development are relieved to have won a claim against the council for its handling of the building project by developer Bernard Brodie.

In a judgment issued last week, Justice Ronald Young said the council's attention to its statutory obligation was "hopelessly inadequate".

The development was completed in 2001 by Daytona Development, a company operated by Mr Brodie, before it was put into liquidation in 2011.

While many of the defects were caused by the developer's negligence, the council's inadequacies triggered much of the uncertainty behind the litigation, said Justice Young.

Body corporate chairwoman Kristina Ryan said she was happy with the outcome.

"We're just so relieved to have got to this point. We have tried a number of times in the past two years to settle this matter but we weren't able to."

Jim McColl, who lives in one of the townhouses with his wife Brenda, was also delighted with the judgment, which included a \$25,000 award to them for damages because of the stress caused.

"I was bawling . . . because it's been hanging over us for a long time."

While the court ruling was a relief, he was worried the council might appeal.

But even if it didn't, he expected it would take about a year to fix all the problems before they could sell and hopefully find somewhere more suitable.

The owners said in their claim there were defects in roof junctions, internal gutters, cladding, window and door junctions, the subfloors, decks and plumbing.

Council spokesman Clayton Anderson said the council was considering its response to the judge's ruling, which could include an appeal.

But councillor Iona Pannett, the buildings portfolio leader, said the leaky home situation was "deplorable" and fixing it was a priority.

Officers had told her they hoped to have the backlog of claims settled within six years.

"Where we have a liability we need to pay . . . the priority is now to fix these. Certainly we don't want this to drag on for 20 years," she said.

The Glenmore St claim is one of many on which the council could be forced to pay out. Councillors were warned three years ago it could be up for \$100m in leaky building claims.

Most settlements are made out of court and the amounts are not publicly disclosed.