

In the District Court of New Zealand  
Wellington Office

I Te Kōti ā Rohe O Aotearoa  
Te Whanganui-ā-Tara Rohe

CIV-2019-

Under section 133AS of the Building Act 2004

Between **Wellington City Council** a territorial authority constituted by the Local Government (Wellington Region) Reorganisation Order 1989 and the Local Government Act 2002.

Applicant

And **Lakhi Maa Limited** a duly incorporated company having its registered office at IPG, Level 3, 185 Hobson Street, Auckland 1010, as the registered owner of 114 Adelaide Road, Mount Cook, Wellington.

Respondent

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## Originating application for orders under section 133AS of the Building Act 2004

18 December 2019

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**MEREDITH  
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# Originating application for orders under section 133AS of the Building Act 2004

To: The Registrar of the District Court at Wellington

And to: The Respondent

## This document notifies you that –

- 1 The applicant, Wellington City Council (**Council**), will on \_\_\_\_\_ apply to the Court for orders:
  - (a) that the Council is authorised to carry out seismic work on 114 Adelaide Road, Mount Cook, Wellington; and
  - (b) as to costs.
  
- 2 The grounds on which the orders are sought are as follows:
  - (a) Lakhi Maa Limited (**Lakhi Maa**) is the registered proprietor of land at 114 Adelaide Road, Mount Cook, Wellington being Lot 1-2 DP 21496 (**Building**).
  - (b) The Building has been deemed earthquake-prone for a number of years.
  - (c) The Council issued a notice under s 124 of the Building Act 2004 (**Act**) on 17 June 2013, requiring the building owner to undertake seismic work on the Building.
  - (d) The deadline for the completion of seismic work expired on 17 December 2013.
  - (e) On 24 May 2019, the Council issued a replacement earthquake-prone building notice under s 133AL of the Act (**EPB Notice**) in accordance with the new provisions for earthquake-prone buildings inserted by the Building (Earthquake-prone Buildings) Amendment Act 2016.
  - (f) The deadline for completing the seismic works under the EPB Notice remained 17 December 2013, as determined under s 133AM(3)(a) and the transitional provisions in Schedule 1AA of the Act.
  - (g) Lakhi Maa has failed to meet its obligations to carry out seismic work on the Building before the specified deadline and therefore is in breach of s 133AM of the Act.
  - (h) Lakhi Maa has not proceeded, and is not proceeding, with reasonable speed to carry out the seismic work in light of the deadline.
  - (i) The Notice required by s 133AS(3) was served at the registered address of Lakhi Maa on 29 November 2019.

- 3 The application is made in reliance on:
- (a) section 133AS of the Building Act 2004; and
  - (b) the affidavit of Ashleybree Graczyk filed in support of this application.

Date: 18 December 2019



N Whittington | M Jagusch  
Counsel for the Applicant

This document is filed by Nicholas Matthew Hay Whittington, solicitor for the applicant, of the firm Meredith Connell. The address for service of the applicant is Level 23, 1 Willis Street, Wellington.

Documents for service on the filing party may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 24546, Manners Street, Wellington 6140;
- (b) transmitted to the solicitor by fax to +64 4 914 0549; or
- (c) emailed to [nick.whittington@mc.co.nz](mailto:nick.whittington@mc.co.nz), with a copy sent to [melanie.jagusch@mc.co.nz](mailto:melanie.jagusch@mc.co.nz).