



## Supreme Court of New Zealand

30 May 2007

### **MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**Wholesale Distributors Ltd v Gibbons Holdings Ltd  
(SC 53/2005)  
[2007] NZSC 37**

### **PRESS SUMMARY**

**This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz).**

The Supreme Court has unanimously dismissed an appeal by Wholesale Distributors Ltd against a decision by the Court of Appeal that it is bound to meet obligations as a sublessee of premises in Nelson until 31 October 2010.

The head lease from Port Nelson Ltd to Gibbons Holdings Ltd was renewed in November 2002. Until then Wholesale had been Gibbons's sublessee but it argued that when the former head lease and sublease expired, it had no obligation to take up a new sublease and its liability to Gibbons came to an end. The Supreme Court has confirmed the view of the majority in the Court of Appeal that the contractual arrangements between Gibbons and Wholesale required Wholesale to enter into a new sublease until 31 October 2010.

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