

IN THE SUPREME COURT OF NEW ZEALAND

SC 58/2011  
[2011] NZSC 82

BETWEEN	BODY CORPORATE NO. 207624 First Appellant
AND	THE SPENCER ON BYRON UNIT OWNERS NAMED IN THE SCHEDULE Second Appellants
AND	NORTH SHORE CITY COUNCIL Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: M C Josephson and P H Bremer for Appellants  
D J Goddard QC and S Thodey for Respondent

Judgment: 5 August 2011

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**JUDGMENT OF THE COURT**

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- A Leave to appeal is granted.**
- B The approved ground is whether and to what extent the respondent local authority owed a duty of care to the body corporate and/or all or some of the appellant unit owners in exercising its regulatory functions under the Building Act 1991 in relation to the construction of the Spencer on Byron building which contains a mixture of non-residential and residential apartments.**

Solicitors:  
Grimshaw & Co, Auckland for Appellants  
Heaney & Co, Auckland for Respondent