



Supreme Court of New Zealand

22 April 2010

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Blair & Co Limited v Queenstown Lakes District Council (SC 82/2009)
[2010] NZSC 44**

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 Judicial Decisions of Public Interest www.courtsofnz.govt.nz

The owner of a lodge which was damaged by fire alleged that the fire was due to the negligence of the appellant architect in designing the lodge and the negligence of the respondent Council in issuing a building consent and a code of compliance certificate notwithstanding the design defect. The High Court refused an application by the Council to strike out the claim against it but, on appeal, the Court of Appeal granted that application. The owner and the architect both obtained leave to appeal to the Supreme Court against the decision of the Court of Appeal but, before the appeals could be heard, the owner abandoned its appeal.

The Supreme Court has unanimously decided that, as from the time the owner abandoned its appeal, the Council could not be held to be liable to the owner and there was therefore no basis in law on which the architect could seek a contribution by the Council towards any liability of the architect to the owner. The leave to appeal granted to the architect was therefore revoked.

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