

IN THE SUPREME COURT OF NEW ZEALAND

**SC 56/2007
[2007] NZSC 81**

BETWEEN	MICHAEL RAYMOND MAIN Applicant
AND	KEVIN EVAN MAIN Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: Applicant in Person
P Moodley for Respondent

Judgment: 8 October 2007

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with costs of \$2,500 to the respondent.

REASONS

[1] The issue is whether the Residential Tenancies Act 1986 applied to a lease of premises for both commercial and residential purposes. The question of the predominant purpose of the lease is an issue of fact. The Court of Appeal concluded that the premises were let principally for commercial purposes and that the residential use was merely incidental; the part occupied by the applicant for residential purposes was very small and his residential use of the premises was intermittent.

[2] This raises no question of public or general importance nor are we persuaded that there is any appearance that a miscarriage of justice may have occurred.

Solicitors:
Brookfields, Auckland and Manukau for Respondent