

IN THE SUPREME COURT OF NEW ZEALAND

**SC 81/2009
[2009] NZSC 116**

BETWEEN CHARTERHALL TRUSTEES LTD
 Appellant

AND QUEENSTOWN LAKES DISTRICT
 COUNCIL
 Respondent

SC 82/2009

AND BETWEEN BLAIR & CO LTD
 Appellant

AND QUEENSTOWN LAKES DISTRICT
 COUNCIL
 Respondent

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: I C Hunt and C J Jamieson for Appellant in SC 81/2009
 M E Parker for Appellant in SC 82/2009
 D J Goddard QC and D J Heaney SC for Respondent

Judgment: 24 November 2009

JUDGMENT OF THE COURT

- A The applications for leave to appeal are both granted.**
- B The approved ground in both appeals is whether the Council owed a duty of care to Charterhall to exercise reasonable skill and care in the performance of its functions and responsibilities under the Building Act 1991.**

Solicitors:

Young Hunter, Christchurch for Appellant in SC 81/2009

M E Parker, Christchurch for Appellant in SC 82/2009

Heaney & Co, Auckland for Respondent