

IN THE SUPREME COURT OF NEW ZEALAND

**SC 109/2016
[2016] NZSC 150**

BETWEEN AN LI TAO
 Applicant

AND STRATA TITLE ADMINISTRATION
 LIMITED
 First Respondent

 JIGAR PANDYA
 Second Respondent

 BODY CORPORATE 198693
 Third Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: Applicant in person
 E St John for Respondents

Judgment: 9 November 2016

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant owns a unit in a unit-titled development. She issued two sets of proceedings in the High Court. In the first, the secretary of the body corporate (Strata Title Administration Ltd) and its chair, Mr Pandya were the defendants. In these proceedings she challenged the service agreement between the body corporate and Strata and put in issue the conduct of Strata as secretary. She also challenged the appointment of Mr Pandya as body corporate chair and a number of the actions which he has taken in that role. In the second set of proceedings she sought the appointment of an administrator for the body corporate.

[2] Thomas J entered summary judgment for the defendants in both sets of proceedings.¹ The applicant appealed to the Court of Appeal and sought an order relieving her of the obligation to provide security for costs. This application was dismissed by the Deputy-Registrar and the applicant's application to review that decision was dismissed by Miller J.² She now seeks leave to appeal against the judgment of Miller J.

[3] The judgment of Thomas J contains an extensive review of the applicant's complaints. There is no obvious error in the Judge's analysis. As well, the points at issue in these proceedings are, in the main, very particular to the conduct of the affairs of the body corporate in issue and thus do not appear to involve any points of public or general importance. The applicant did not provide the Deputy-Registrar or Miller J with evidence of her impecuniousness and although she has now provided material as to her (limited) income, she has still not addressed her capital position (for instance as to whether she could use her unit as security). She has from time to time referred to her eligibility for legal aid but nothing tangible (in terms of a grant of legal aid) has emerged. In his judgment, Miller J referred to, and applied, the appropriate principles³ and there is nothing in his application of them to suggest the appearance of a miscarriage of justice.

[4] For the reasons just given, the application for leave to appeal is dismissed.⁴

Solicitors:
Price Baker Berridge, Auckland for Respondents

¹ *Tao v Strata Title Administration* [2016] NZHC 814.

² *Tao v Strata Title Administration* [2016] NZCA 437.

³ See *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.

⁴ The respondents simply abided the decision of the Court. We therefore see no occasion for an award of costs.