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2013/037: Regarding the issuing of a s124 Building Act Notice (relating to geotechnical hazards) on the property

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Abbreviation

2013/037

Valid from

01/07/2013

Information provider

Ministry of Business, Innovation and Employment

Information type

Determination

Format

PDF

Description

The determination arises from the decision made by the authority to issue a section 124(1)(b) notice in respect of this property because the authority considered that there was a risk that rocks located adjacent to the property could collapse causing death or injury to any person in the house. The applicants disputed this finding as they considered that the authority's decision-making was not sufficiently robust and they also considered that, if mitigating factors were taken into account, the danger faced by occupants was insufficient to warrant a notice and they therefore consider that the authority should remove it. As a result of this dispute an application for a determination was made on 9 September 2012. Therefore the matter to be determined is whether the authority correctly exercised its powers in issuing the notice under section 124(1)(b). In making this decision I must consider whether the house is dangerous as defined in the Act.

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