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2014/042: The proposed exercise of an authority's powers of decision in relation to a dangerous and insanitary building

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Abbreviation

2014/042

Valid from

12/09/2014

Information provider

Ministry of Business, Innovation and Employment

Information type

Determination

Format

PDF

Description

Regarding the exercise of an authority's powers of decision in relation to a dangerous and insanitary building at 90 Alexander Street, Greymouth

Scope

This determination arises from the re-issuing by the authority of a notice in respect of a dangerous and insanitary building under section 124(c) and (d) of the Act. The authority has subsequently queried the application of section 125(1A)(e) for situations where a building remains dangerous and/or insanitary at the end of the maximum 30 day period for a notice that has been reissued.

In other words, the issue of concern is what powers are available to the authority to restrict entry to a building after a notice for a dangerous and/or insanitary building has been reissued and the building

remains dangerous and/or insanitary at the end of the maximum period of 30 days from when the notice was reissued.

In order to consider this issue, the authority has applied for a determination on the exercise of its powers in issuing a notice under section 124 of the Act for a building at 90 Alexander Street, Greymouth as an example. The authority is of the view that it is powerless to continue to restrict entry at the end of the maximum period of 30 days from when the notice was reissued.

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