



**Canterbury Earthquakes Royal Commission**  
**Te Komihana Rūwhenua a te Karauna**

11 October 2011

Yee Brothers Syndicate  
c/- Harold Smith & Dallison  
Solicitors  
PO Box 13166  
Armagh  
CHRISTCHURCH 8141

Attention: Mr J Dallison

Dear Sir

**603 Colombo Street, Christchurch**

The Royal Commission of Inquiry into building failure caused by the Canterbury earthquakes is currently examining the failure of a number of buildings in the Christchurch CBD, including the building that was at 603 Colombo Street (the Building).

I note that your clients, Yee Brothers Syndicate were the owners of the Building. Would you therefore please pass on this letter to your client's in order that they provide the following information, by **21 October 2011**:

1. Was any structural strengthening work carried out on the Building prior to the 4 September 2010 earthquake? If so, please provide details.
2. Following the 4 September 2010 earthquake did you arrange for any inspection/assessment of the Building by an engineer? If so, please provide details of what instructions were given to that engineer and a copy of any report received including details of any oral advice you were given about the Building.
3. On 15 October 2010 the Christchurch City Council wrote to the owners of the Building care of your firm, requesting that a CPEng engineer's report be obtained and forwarded to the Council. That letter also required the owners to provide temporary support to the south wall to prevent collapse of building materials falling onto the road and footpath.
  - (a) Did you ever obtain a CPEng engineer's report? If so, please provide details and a copy of the same. If not, please explain why one was not obtained.

- (b) Was the work described in the Council's letter of 15 October 2010 (copy **enclosed**) carried out? If so, please provide details of what work was completed. If not, please explain why it was not completed.
4. On 20 October 2010 the Christchurch City Council served a Building Act notice (copy **enclosed**) on the owners of the Building, care of your firm. That notice refers to temporary support work required.
- (a) Did you carry out any of the work identified in that notice? If so, please provide details. If not, please explain why not.
5. On 28 December 2010 the Christchurch City Council wrote to the owners of the Building, care of your firm, enclosing a further Building Act notice, (copy **enclosed**) giving the owners until 31 January 2011 to complete any work required.
- (a) Did you carry out any work as a result of that Building Notice? If so, please provide details. If not, please explain why not.
6. Following the earthquake on 26 December 2010 did you arrange for any inspection of the Building by an engineer? If so, please provide details and a copy of any report received. If not, please explain why one was not obtained.

The above information is requested pursuant to the Royal Commission's powers of investigation under s 4C Commissions of Inquiry Act 1908.

Yours faithfully



Mark Zarifeh  
Counsel Assisting  
Canterbury Earthquakes Royal Commission

15 October 2010

Yee Brothers Syndicate  
 C/O Harold Smith and Dallison  
 PO Box 13166  
 Armagh  
 Christchurch 8141  
 New Zealand

Dear Sir/Madam,

**RE: CPEng Report Required for 603 Colombo Street**

Following an inspection of the above property on the 12 October 2010, the CCC engineers have requested that a CPEng report be sent to the council. You should provide temporary support to the south wall to prevent collapse of building materials falling onto the road and footpath. In addition to a report we require a statement from a CPEng that the building is not "dangerous" in accordance with the Building Act which is detailed below.

The requirements detailed in this letter are designed to ensure public safety is protected, which ultimately is Council's primary responsibility. In order to balance public safety requirements against the financial impact on individual businesses as a result of buildings that remain closed, Council needs your assistance in insuring that the engineering certification provided to Council clearly and specifically covers the criteria detailed in this letter. Any certification forwarded that does not meet this criteria will not be accepted.

**What needs to happen before removing a red and yellow placard**

**- Professional Engineer Practitioners Certification Suitability for Occupation of Earthquake Affected Buildings**

Council is attempting to simplify the process for removing the red and yellow placard on earthquake damaged buildings or buildings affected by or at risk of damage from damaged buildings. This will help return buildings to their normal use.

**Red and yellow placards should not be removed from buildings without approval from Council.**

Before Council will accept that a building can be reoccupied, building owners must obtain certification at their cost from a Chartered Professional Engineer practicing in structural engineering. The certification must state that:-

- \* the building is not dangerous in terms of Section 121(1) of the Building Act, as amended by the Canterbury Earthquake (Building Act) Order 2010 (copied below)
- \* the building is not a risk to adjacent buildings or areas such as roads, footpaths and other areas that the public generally has access to.
- \* the building is structurally adequate for normal occupancy.

The certification should be accompanied by a Detailed Engineering Evaluation that includes;

- information on the damage that has occurred to the building,
- what remedial works, if any, have been carried out,
- the basis of ascertaining the building is not dangerous in terms of the Building Act; and
- photos of the building that show the general structural condition of the building.

Building Evaluation Transition Team  
 Civic Offices, 53 Hereford Street, Christchurch 8011  
 PO Box 73013, Christchurch 8140  
 Email: cdrescue@ccc.govt.nz  
 www.ccc.govt.nz

### 121 Meaning of dangerous building

- (1) A building is dangerous for the purposes of this Act if, -
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause -
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
    - (ii) damage to other property; or
  - (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building; or
  - (c) there is a risk that the building could collapse or otherwise cause injury or death to any person in the building as a result of an earthquake that generates shaking that is less than a moderate earthquake\*; or
  - (d) there is a risk that other property could collapse or otherwise cause injury or death to any person in the building; or
  - (e) a territorial authority has not been able to undertake an inspection to determine whether -
    - (i) the building is dangerous under paragraph (a); and
    - (ii) the territorial authority or the chief executive, as the case may be, is required to exercise powers under section 124 or 129 as modified by this order.

The modifications made to this Section by the Canterbury Earthquake (Building Act) Order 2010 are in red.

\* A moderate earthquake is defined in Section 7 of the Building (Specified Systems, Change the use, and Earthquake-prone Building) Regulations 2005.

Regards,

Laura Bronner  
Building Evaluation Transition Team  
Ph 03 941 8868  
CDRescue@ccc.govt.nz

20 October 2010

Yee Brothers Syndicate  
C/o Harold Smith & Dallison  
PO Box 13166  
Armagh  
Christchurch 8141

Dear Sir/Madam

**Notice under the Building Act 2004 to repair your building  
603 Colombo Street**

The earthquake that struck Christchurch and the subsequent aftershocks have damaged many buildings in the City. It has been an extremely traumatic time for both commercial building owners and home owners, facing the damage and the scope of repairs that may be needed to fix their buildings.

Christchurch City Council staff have been, and still are, working hard to assess thousands of buildings and homes throughout the city to determine whether or not they are dangerous buildings.

***Special legislation for Council to use for dangerous buildings***

To assist the Council with its efforts following the earthquake special legislation has been enacted. This legislation has enhanced powers the Council already has under the Building Act 2004 to deal with dangerous buildings. The primary aim of those powers is to keep people safe.

Steps the Council can take to achieve this aim include issuing notices to prevent people from using or occupying a building or to allow restricted entry to a building. A notice can also require that repairs must be carried out on a dangerous building within a certain time.

***The Dangerous Building Notice Council has issued for your building***

The Council considers that your building is a dangerous building as defined in the Building Act, and that it is necessary for a notice to be issued to require you to reduce and remedy the danger to your building (a section 124(1)(c) notice)

The notice enclosed has also been placed on your building, as required by the Building Act. Please do not remove this notice.

***The Council's Building Recovery Office can help you***

We recommend that you contact the Christchurch City Council Building Recovery Office (details below) to discuss why your building has been assessed as being dangerous or if the particulars on the notices need clarification.

We also recommend that you talk to the Building Recovery Office before taking any steps to remedy the danger, and in order to discuss the detail of any building consents or resource consents that may be required for the work. In working with you on the best solution we may also need to consider whether you need longer than the timeframe specified in the section 124(1)(c) notice to carry out the necessary work.

If you have not already done so, we recommend that you contact your insurers. You should also seek structural engineering advice from a qualified structural engineer on how to remove the danger.

We appreciate your understanding in this matter.

**CONTACT:**


CCC Building Recovery Office  
Ground floor Civic Offices  
53 Hereford Street  
Tel: 03 611 8999  
Email: [Buildingrecoveryoffice@ccc.govt.nz](mailto:Buildingrecoveryoffice@ccc.govt.nz)

Yours faithfully



Graham Mather  
Acting Team Leader Enforcement  
Inspections and Enforcement Unit

Encl

 <p><b>CHRISTCHURCH</b> CITY COUNCIL - YOUR PEOPLE - YOUR CITY</p>	<p><b>CHRISTCHURCH CITY COUNCIL</b></p> <p><b>NOTICE</b></p> <p><b>UNDER SECTION 124(1)(c), BUILDING ACT 2004</b> <b>(as modified by the Canterbury Earthquake</b> <b>(Building Act) Order 2010)</b></p>	
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<p><b>TO:</b></p> <p>Yee Brothers Syndicate C/o Harold Smith &amp; Dallison PO Box 13166 Armagh Christchurch 8141</p>	
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<p><b>THE BUILDING</b></p> <p>Street Address: 603 Colombo Street</p> <p>Legal Description: Lot 14, Deposited Plan 8121, Lot 21, Deposited Plan 8121, Lot 7, Deposited Plan 8121</p>
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<p><b>PARTICULARS</b></p> <p>In accordance with s121(1)(a) or (c) of the Building Act 2004, this building is dangerous as a result of an earthquake which occurred at the property on Saturday 4th September 2010, or as a result of aftershocks following that earthquake.</p> <ol style="list-style-type: none"> <li>1. The building has been damaged, and there are structural defects to the building.</li> <li>2. Councils records show there is a need to provide temporary support to the south wall to prevent collapse of the building materials falling onto the road and footpath.</li> </ol>
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<p><b>TO REDUCE OR REMOVE THE DANGER YOU MUST:</b></p> <p>A. Comply with any notice attached to the building prohibiting the use or occupation of the building, or restricting entry to the building.</p> <p>B. Keep persons away from the danger/risk in the building.</p> <p>C. Carry out work on the building to remove the danger.</p> <p>D. <b>You may not need a building consent to carry out the work required to remove the danger. Please contact the Christchurch City Council Building Recovery Office by telephone on 941-8999, or by email at <a href="mailto:buildingrecoveryoffice@ccc.govt.nz">buildingrecoveryoffice@ccc.govt.nz</a>, or in person at the Ground Floor, Civic Offices, 53 Hereford Street, to discuss whether or not a consent is required. If a consent is not required, the Council may reissue this notice with any conditions it requires for the work, or guidelines on how the building work should be carried out in accordance with the building code.</b></p> <p>E. If urgent building work is necessary to save or protect life or health or prevent serious damage to property then you may be able to carry out that work without a building consent (see s41(1)(c) of the Building Act 2004). If, in reliance on s41(1)(c), building work is carried out without a building consent having been obtained, the owner must, as soon as practicable after completion of the building work, apply for a certificate of acceptance under s96 of the Building Act 2004.</p> <p>F. <b>If the building is a listed heritage building then council approval must be obtained for the work, whether or not a building consent is required.</b></p>
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<p><b>Work required by this notice must be carried out by 31 JANUARY 2011 or such other date agreed in writing by the Council.</b></p> <p><b>If the work is NOT carried out before 31 January 2011, or such other time as agreed by the Council in writing, the Council may carry out the work required and you will be liable for the costs of the work unless you apply within 5 days of the work being carried out to a District Court for relief from this obligation.</b></p>
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Signed for & on behalf of the Christchurch City Council:

Name: Graham Mather

Position: Acting Team Leader Enforcement

Date of issue: 20 October 2010



28 December 2010

Yee Brothers Syndicate  
C/o Harold Smith & Dallison  
PO Box 13166  
Armagh  
Christchurch 8141

Dear Sir/Madam

**Notices under the Building Act 2004 not to use or occupy your building and to repair your building  
603 Colombo Street**

The earthquake that struck Christchurch and the subsequent aftershocks have damaged many buildings in the City, including your property. We recognise that this is an extremely difficult time for you and we want to work with you to create a safe city.

Christchurch City Council staff are working hard to assess the buildings throughout the city to determine whether or not they are dangerous buildings.

Your building has been identified as one that was damaged by the earthquake and is considered dangerous. You need to be aware of the special government legislation that relates to your property.

***Special legislation for Council to use for dangerous buildings***

To assist the Council with its efforts following the earthquake special legislation has been enacted, which has enhanced Council powers under the Building Act 2004 to deal with dangerous buildings.

The primary aim of those powers is to keep people safe.

Steps the Council can take to achieve this aim include issuing notices to prevent people from using or occupying a building or to allow restricted entry to a building. A notice can also require that repairs must be carried out on a dangerous building within a certain time. This is extremely important if a building is to be made safe, and to minimise the impact on other businesses close to the affected property.

***The Dangerous Building Notice issued for your building***

The Council considers that your building is a dangerous building as defined in the Building Act, and that it is necessary for notices to be issued to:

- Prevent use or occupation of your building (a section 124(1)(b) notice)
- Require you to reduce and remedy the danger to your building (a section 124(1)(c) notice)

These notices are enclosed and have also been placed on your building to warn of the danger, as required by the Building Act. Please do not remove these notices as it is important the public and building users know about the danger to help safeguard them.

***The Council's Building Recovery Office can help you***

We recommend that you contact the Christchurch City Council Building Recovery Office (details below) to discuss your building assessment or if the particulars on the notices need clarification.



We also recommend that you talk to the Building Recovery Office before taking any steps to remedy the danger, and to discuss any building consents or resource consents that may be required for the work.

We realise the timeframes specified in the section 124(1)(c) notice may not be long enough to carry out the repair work, and we are keen to work with you to identify if a longer period is required.

If you have not already done so, we recommend that you contact your insurers. You should also seek structural engineering advice from a qualified structural engineer on how to remove the danger.

We appreciate your understanding in this matter.

**CONTACT:**

CCC Building Recovery Office  
Ground floor Civic Offices  
53 Hereford Street  
Tel: 03 941 8999  
Email: [Buildingrecoveryoffice@ccc.govt.nz](mailto:Buildingrecoveryoffice@ccc.govt.nz)

Yours faithfully



James Clark  
Team Leader Enforcement Team  
Inspections and Enforcement Unit

Encl



## CHRISTCHURCH CITY COUNCIL NOTICE

**UNDER SECTION 124(1)(c), BUILDING ACT 2004  
(as modified by the Canterbury Earthquake  
(Building Act) Order 2010)**

**TO:**

Yee Brothers Syndicate  
C/o Harold Smith & Dallison  
PO Box 13166  
Armagh  
Christchurch 8141

**THE BUILDING**

Street Address: 603 Colombo Street

Legal Description: Lot 14, Deposited Plan 8121, Lot 21, Deposited Plan 8121, Lot 7, Deposited Plan 8121

**PARTICULARS**

In accordance with s121(1)(a) or (c) of the Building Act 2004, this building is dangerous as a result of an earthquake which occurred at the property on Saturday 4th September 2010, or as a result of aftershocks following that earthquake.

1. The building has been damaged, and there are structural defects to the building.
2. Councils records show that the southern wall is cracking.

**TO REDUCE OR REMOVE THE DANGER YOU MUST:**

A. Comply with any notice attached to the building prohibiting the use or occupation of the building, or restricting entry to the building.

B. Keep persons away from the danger/risk in the building.

C. Carry out work on the building to remove the danger .

D. **You must obtain a building consent** to carry out any demolition, repairs or other work to remove the danger. Please contact the **Christchurch City Council Building Recovery Office by telephone on 941-8999, or by email at [buildingrecoveryoffice@ccc.govt.nz](mailto:buildingrecoveryoffice@ccc.govt.nz), or in person at the Ground Floor, Civic Offices, 53 Hereford Street, before making your building consent application.**

E. If urgent building work is necessary to save or protect life or health or prevent serious damage to property then you may be able to carry out that work without a building consent (see s41(1)(c) of the Building Act 2004). If, in reliance on s41(1)(c), building work is carried out without a building consent having been obtained, the owner must, as soon as practicable after completion of the building work, apply for a certificate of acceptance under s96 of the Building Act 2004.

**F. If the building is a listed heritage building then council approval must be obtained for the work, whether or not a building consent is required.**

Work required by this notice must be carried out by 31 JANUARY 2011. If you believe you are unable to carry out the work by that date please contact the Council's Building Recovery Office who will work with you on a solution that may include agreeing on a new timeframe.

If the work is NOT carried out before 31 January 2011, or such other date agreed by the Council in writing, the Council may carry out the work required and you will be liable for the costs of the work unless you apply within 5 days of the work being carried out to a District Court for relief from this obligation.

Signed for & on behalf of the Christchurch City Council:

Name: James Clark

Position: Team Leader Enforcement Team

Date of issue: 28 December 2010

My full name is DARREYL ANTHONY O'KEEFE and I say on oath:

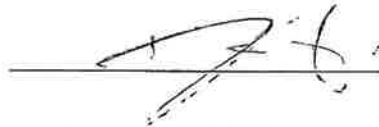
I am an enforcement officer employed by the Christchurch City Council.

On Tuesday the 28th day of December 2010 I was directed by James Kenneth Clark Team Leader Enforcement Team Christchurch City Council who is warranted under the Building Act 2004 to affix a copy of the following:

1. Notice under s124(1)(c) of the Building Act 2004 for hoarding to prevent people approaching or occupying a building
2. Notice for hoarding restricted entry
3. Notice under s124(1)(c) Building Act 2004 to reduce or remove danger

to the building/dwelling situated at 603 Colombo Street.

Signed:



This 28th day of December 2010