



COPY

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

601/601A 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 601/601A 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 clients' 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 and 18 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 reduce and remedy the danger to the building.
 - (a) Did you ever obtain a CPEng 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 28 December 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 structural defects to the Building, significant damage to structural walls, significant damage to roof structure, loose or insecure debris and cladding damage. The notice requires completion of the work by 31 January 2011.
 - (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. 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 & Dallison
 PO Box 13166
 Armagh
 Christchurch 8141
 New Zealand

Dear Sir/Madam,

RE: Report Required for 601-601A Colombo Street

Following an inspection of the above property on the 15 October 2010, the Christchurch City Council engineers have requested that you supply the Council with a CPEng report. In addition to a report we require a statement from a CPEng stating 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

28 December 2010

Yee Brothers Syndicate
c/- 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
601 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.

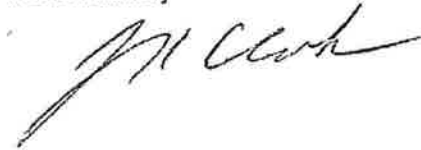
If you have not already done so, we recommend that you contact your insurers. You should also seek structural engineering advice from a qualified structural engineer on how to remove the danger.

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

Yours faithfully



James Clark
Team Leader Enforcement
Inspections and Enforcement Unit

Encl

 <p>CHRISTCHURCH CITY COUNCIL YOUR PEOPLE YOUR CITY</p>	<p>CHRISTCHURCH CITY COUNCIL</p> <p>NOTICE</p> <p>UNDER SECTION 124(1)(c), BUILDING ACT 2004 (as modified by the Canterbury Earthquake (Building Act) Order 2010)</p>	
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<p>TO:</p> <p>YEE BROTHERS SYNDICATE C/- HAROLD SMITH & DALLISON PO BOX 13166 ARMAGH CHRISTCHURCH 8141</p>	
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THE BUILDING

Street Address: 601 COLOMBO STREET

Legal Description: Lot 12, Deposited Plan 6296

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 – the building has been damaged, and there are structural defects to the building. Significant damage to structural walls, party walls, fire walls and/or structural frame (cracking, bowing, failed connections, spalling). Significant damage to roof structure. Loose or insecure debris (bricks, glass etc). Cladding damaged or veneer dislodged (Insanitary Building, refer Environmental Health).

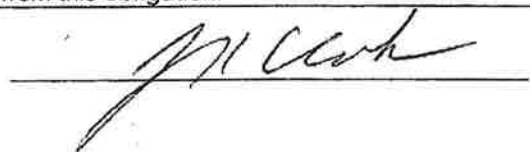
TO REDUCE OR REMOVE THE DANGER YOU MUST:

- 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, 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

Date of issue: 28 December 2010