

UNDER

THE COMMISSIONS OF INQUIRY
ACT 1908

IN THE MATTER OF

THE CANTERBURY EARTHQUAKES
ROYAL COMMISSION

**SUBMISSIONS ON BEHALF OF GRENADIER REAL ESTATE LIMITED
TRADING AS NAI HARCOURTS IN RELATION TO THE PGC BUILDING
AT 233, CAMBRIDGE TERRACE, CHRISTCHURCH**

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Introduction

1. Grenadier Real Estate Limited, trading as NAI Harcourts ("Harcourts"), has done its utmost to cooperate with the Royal Commission in respect of its investigation into the collapse of the PGC Building. This has included instructing its own counsel and solicitors, reviewing its files and archives for relevant documents and assisting its managers and staff to be properly briefed to give evidence to the commissioners.
2. Harcourts' expectation and that of its witnesses when they gave evidence, was that the Royal Commission was mainly interested in the background circumstances to Harcourts' management of the building, the steps which it took after the 4 September 2010 earthquake and the lessons learned. It considered that this approach was consistent with the Royal Commission's terms of reference, and the prohibition on any finding in respect of liability.
3. Harcourts prepared to assist the Royal Commission in the context of the following factors:
 - a. The PGC Building showed little sign of serious damage following the 4 September earthquake;
 - b. The Christchurch City Council placarded it green;
 - c. On 4 September 2010, Harcourts engaged Holmes Consulting Group ("Holmes"), to assess all of the buildings which it managed;
 - d. On 5 September 2010, Harcourts arranged for the immediate inspection of the PGC Building by Holmes;
 - e. Holmes' highly qualified structural engineers inspected the building on five occasions following the 4 September 2010 earthquake, and following each

inspection concluded that the PGC Building was safe to occupy;

- f. This position did not change following the Boxing Day aftershock;
 - g. The building had been constructed before 1976, since when more rigorous earthquake standards for new buildings have applied (NZS 1976 4203);
 - h. For this reason the building might have needed structural work in future, but there was no immediate requirement;
 - i. This was a common feature of pre 1976 buildings located in Christchurch and elsewhere in New Zealand.
4. However, during cross examination of Harcourts witnesses, and Mr Buchanan in particular by counsel assisting the Royal Commission (Mr Elliottt), it became clear that counsel was exploring the following theories:
- a. Harcourts had information available that the building was earthquake prone which it did not pass on to its owner client, or take properly into account itself;
 - b. The engineering investigation which Harcourts instructed Holmes to carry out on 5 September, and subsequently were somehow limited by cost constraints;
 - c. That Harcourts staff did not respond effectively to the concerns of the occupiers of the building in a timely or meaningful way after the 4 September 2010 earthquake;

5. These theories were not heralded in the opening statement by counsel assisting (Mr Mills QC). Harcourts says that:
 - a. It had no information available to it regarding the structural ability of the building to withstand an earthquake which was not in the possession of the owner through the LIM which his solicitors Chapman Tripp obtained from the Christchurch District Council when his company purchased the building in September 2009. Harcourts had no knowledge of any detailed engineering assessment of the building before 4 September 2010;
 - b. There were no financial constraints which Harcourts is aware of which would have limited Holmes' inspections of the PGC Building, or its reporting obligations;
 - c. Despite having to deal with their own fears, stress and loss following the 4 September earthquake, Harcourts' management and staff continued to respond in a meaningful way to the concerns of the PGC Building occupiers, and to the needs and concerns of the occupiers of the approximately 99 buildings that they managed across Christchurch.
6. Harcourts is satisfied that it did everything that would be required of a reasonable building manager following the 4 September earthquake and the following aftershocks. Mr. Buchanan and his staff feel deep sympathy for the families and loved ones of those who lost their lives in the building, or were injured.

Background: NAI Harcourts Role as Property Managers

7. Part of Harcourts business in Christchurch is to provide commercial property management services to building owners. In September 2010

Harcourts was managing a portfolio of approximately 100 commercial properties in and around the city of Christchurch.

8. On 4 September 2010, Harcourts was the property manager of the PGC Building located at 233 Cambridge Terrace, Christchurch. Cambridge 233 Limited had purchased the property from Pyne Gould Corporation Limited on 15 September 2010, and then immediately appointed Harcourts as their property manager. The principal of Cambridge 233 Limited is Stephen Collins.
9. Initially Ms Louise Sutherland of Harcourts had responsibility for management of the PGC Building. In November 2009 that role was taken over by Mrs Ann-Cherie Manawatu-Pearcy. They both reported to Mr Howard Buchanan who was Harcourts commercial manager. Mr Buchanan managed a department which specialised in commercial property management, sales and leasing agencies, and administration/support staff.
10. Harcourts' role as property manager was to generally represent the building owner, with tasks including the negotiation and settlement of rent reviews, obtaining lease documentation, arranging for contractors to undertake maintenance/cleaning when required, arranging and overseeing the cleaning of the building, and managing any accounts and outgoings for the building including rates and insurance, and carrying out inspections when tenants left.¹
11. Each of the six tenants of the PGC Building managed their own office space, whereas Harcourts was responsible for the building and common areas.²

Purchase by Cambridge 233 Limited

¹ Brief of Mrs Manawatu-Pearcy

² (Supra) at paragraph [3]

12. Harcourts assisted Mr Collins to undertake a level of due diligence before he purchased the building. However Harcourts did not learn anything from that process which would have caused Mr Collins any concern about the structural safety of the building in an earthquake. They definitely did not learn anything that was important in this regard, and then fail to pass it on to Mr Collins. Similarly they did not learn anything specifically that was important following the 4 September earthquake which they failed to respond to. Mr Collins' approach to the purchase of the building, and Harcourts actions at the time establish this.
13. The circumstances surrounding Cambridge 233 Limited's purchase of the PGC Building are described in the evidence of its principal Mr Stephen Collins³. Mr Collins carried out a due diligence process as follows:
 - a. His solicitors Chapman Tripp obtained a LIM from the Christchurch City Council;
 - b. He instructed Harcourts to obtain a Building Report from Spotless Facilities Management⁴ and a report by Plant & Building Safety Limited ("PBSL" dated 10 August 2009⁵.
14. The LIM contained the following notations relevant to earthquake strength:⁶
 - **Earthquake Prone Building 1 - Potentially Earthquake Prone**

³ see his brief and attachments: WIT.COL.0002.1-137

⁴ WIT.COL.0002.30 et seq

⁵ WIT.COL.0003 – Doc SJC3 (attached)

⁶ see transcript of Mr McCarthy – questions by Justice Cooper at TRANS.20111129.22 L24 – TRANS.20111129.23 – TRANS.20111129.25 L12

Due to changes to the definition of earthquake prone buildings in the Building Act 2004, council's current records do not fully identify all buildings which may be potentially earthquake prone.

- **Earthquake Prone Building 2 - Assessment**

Applicants are advised to engage a structural engineer to assess the building to determine the significance of this information.

- **Earthquake Prone Building 3 – Upgrade**

The effect of this change is buildings built prior to 1976 may need to be assessed against the requirements of the Building Act 2004, requiring building strength to be one third of the current Building Code.

Note: Prior strengthening work may no longer be enough to be compliant.

15. PBSL recorded that the building was "*...potentially earthquake-prone. Remedial works may be required as a condition of future Building Consents*". It is important to note that this notation by PBSL was based on the notation in the LIM. The LIM was sent to PBSL by Chapman Tripp. PBSL's comments do not reflect any specific structural engineering investigation by it of the building, or any necessity to have such an investigation carried out. To the contrary, PBSL has commented that the reservation in the LIM may only be an issue if the building owner applies for building consent in future.
16. It is submitted that any reasonable building owner or property manager reading this would not be immediately alarmed, as this was a commonly understood risk factor when purchasing buildings constructed before 1976. None of the notations in the Land

Information Memorandum quoted are specific to the PGC Building. They are general notations for buildings constructed before 1976. The LIM did not state that a structural engineering review was necessary. As a result any reasonable purchaser in Mr Collins' position would gain the overall impression that there was no immediate requirement for a structural engineering assessment. Similarly the PBSL report of 10 August 2009 compounds that impression by indicating that remedial works may only be required as a condition of any future building consent.

17. Mr Collins received these reports he commissioned through his lawyers (the Land Information Memorandum) and Harcourts (the Spotless and PBSL reports).
18. Harcourts did not hold itself out as having any expertise to provide comment on these reports to Mr. Collins; and nor did they. Mr Collins did not expect them to. He confirmed in his evidence that Harcourts were simply required to obtain this information for him.⁷
19. The LIM report was obtained by Mr Collins' solicitors Chapman Tripp. Harcourts did not have a copy or see this at any stage. It is widely accepted that in the normal course of a commercial property transaction such as this, the purchaser's solicitors when instructed by their client to obtain a LIM will pass this onto that client with pertinent advice. Mr. Collins displayed some prudence in his due diligence investigation of the building, so there is a strong inference that in fact this occurred. Mr Collins confirmed that his lawyers obtained the LIM, and reported back to him on that.⁸.
20. There is no evidence of the PGC Building ever having a detailed engineering assessment and subsequently receiving a specific earthquake-prone status as defined in s. 122 of the Building Act 2004.

⁷ TRANS.20111128.78 L21-L26

⁸ TRANS.20111128.71 L3-L12

21. Furthermore at the time of purchase neither Mr Collins, nor any of the consultants which he engaged (lawyers, Harcourts, Spotless, PBSL) were aware of the structural engineering reports of Holmes Consulting Group which had been created prior to 2009 in relation to the PGC building.⁹ In summary there is no evidence that would even support an inference that there was information available to Mr Collins or to Harcourts, at any relevant time that the building was actually earthquake-prone, required immediate structural remedial works, and was not safe to occupy.
22. Any assertion that Harcourts should have had some greater insight into the structural issues relating to this building as at the time of Mr Collins' purchase of the building or following the earthquakes is categorically rejected. It is clear that no party involved in that process was alerted to the possibility of the building being structurally defective.
23. In this connection it is important to recall the evidence of Mr McCarthy, the Environmental Policy & Approvals Manager from Christchurch City Council. He confirms that the Council never specifically designated the building as earthquake-prone following any engineering assessment.¹⁰ This is of some importance to Harcourts and its staff who gave evidence¹¹.
24. Paragraph 19 of Mr McCarthy's brief confirms the notation which appeared in the PBSL report of August 2009; and in particular that

⁹ see transcript at page TRANS.20111128.65 L30 - .66 – Line 13 – L17

¹⁰ brief of evidence WIT.NCC.0001.5 at paragraph 17

¹¹ Unfortunately there were inaccurate media reports following the hearing stating that the building *"was deemed an earthquake risk"*, that the *"LIM report described the building as 'earthquake-prone'"*, *"Mr Buchanan came under heavy questioning... for knowing the building was an earthquake risk"* (Article by "Anna Turner of the Star", published in www.nzherald.co.nz dated 29 November 2011) – comments which were inaccurate, unsupported by the evidence, and have caused our client damage to their reputation, and distress to its managers and staff.

even if the building was below the level required by Building Act 2004, (33% of new building standard) that would not have triggered any immediate requirement for upgrading under the Christchurch City Council's 2006 Earthquake Prone Policy. This policy was a passive approach adopted by the Council in 2006, under which only an application for a building consent for alterations might trigger a more active engineering inspection requirement in relation to a building such as the PGC Building.¹² In relation to the PGC Building, notification by the Council to its owner requiring strengthening (and then only within thirty years of notification) would have occurred no earlier than 1 July 2012 (with strengthening to take place by 2042)¹³.

25. Historically Holmes had reported on specific structural problems to the previous owner, and Pyne Gould Corporation Limited. Around 1992, PGCL responsibly carried out the specific structural improvement work recommended by Holmes.

4 September 2010 Earthquake

26. Mr Collins was overseas at the time of the 4 September 2010 earthquake. By the time Mr Buchanan contacted him, Harcourts had already engaged Holmes Consulting Group to review the PGC Building as well as the other buildings in Harcourts' portfolio of buildings.¹⁴
27. Mr Buchanan's evidence ¹⁵ was that on the morning of 4 September 2010 he had contacted Mr Hare of Holmes Consulting Group and instructed him to inspect the whole of Harcourts portfolio with the PGC Building as a priority. Mr Richard Seville of Holmes Consulting Group

¹² McCarthy TRANS.20111129.15 L31 – TRANS.20111129.16 L16

¹³ Mr McCarthy's evidence at TRANS.20111129.17 L1-L8

¹⁴ Mr Collins' evidence at TRANS.20111128.56 L20-L21; TRANS.20111128.74 L3-L5

¹⁵ TRANS.20111129.96 L1-L6

met with Mr Buchanan on Sunday 5 September 2010, and they arranged a programme for the structural engineering staff from Holmes to inspect all of Harcourts' buildings¹⁶

28. Mr Buchanan and Mr Seville visited the PGC Building on that Sunday because of information from Marsh, one of the tenants, that the ceilings on their floor had become detached. Mr Buchanan and Mr Seville also noticed that the Council had green placarded the building.
29. It is submitted that under these circumstances when faced with an unprecedented cataclysmic event, Mr Buchanan acted with commendable haste and focus, as did Holmes. This is further underlined by Mr Buchanan's evidence that within four days of the earthquake he had authorised substantial repair costs for the replacement of the ceilings for Marsh¹⁷.
30. Holmes agreed under the contract dated 5 September 2010 which it entered into with the building owner (through Harcourts)¹⁸ to provide services in relation to "*Various Buildings and Portfolio*", the services being: "*Initial earthquake inspection; and securing measures as considered necessary*".
31. The questions of Mr Buchanan from counsel assisting (Mr Elliott) implied that this was inadequate.¹⁹ Mr Buchanan's expectation was that if Holmes' first inspections disclosed a need for greater or further investigation, then that would occur, and did so in relation to a number of other buildings²⁰. This level of service was clearly consistent with Clause 2 of the Short Form Conditions of Engagement

¹⁶ TRANS.20111129.96 L21-L32; and TRANS.20111129.97 L7-L21

¹⁷ TRANS.20111129.98 L22-L30

¹⁸ BUI.CAM233.0054.81

¹⁹ TRANS. 20111129.116

²⁰ Mr Buchanan's evidence at TRANS.20111129.99 L5-L18

by which Holmes agreed to "*exercise the degree of skill, care and diligence normally expected of a competent professional*"²¹.

32. It was not part of the agreement between Harcourts and Holmes that the building assessment inspections were to be carried out in compliance with Level 2 post-earthquake inspection requirements. That was not a term of the agreement, nor would it have had any meaning for Mr Buchanan.²² His expectations are set out in his response to questions in the transcript and which confirms that his expectations were met.²³ His understanding was that the description of what Holmes was doing described in paragraph 31 of Mr Hare's brief of evidence related only to their first inspection of each property.²⁴
33. Holmes produced reports concerning the PGC Building on 7 September 2010, 16 September 2010, 15 October 2010, and 27 January 2011. The first report²⁵ specifically records that it was "*an initial earthquake inspection carried out on PG (sic) Building*" and after describing the type of building, cracking to ground floor and first floor level shear walls, and failures on the Fourth Floor, concluded with the statement:

"Confirming 'green placard' building okay to occupy [structurally]"
34. Holmes second report of 16 September 2010²⁶ stated that the work reviewed was "*re-visit to inspect new/growing cracks. RC frame around lift core*". It recorded cracking in shear walls, with spalling in those places and concluded that it was "*okay to park below*". The previous words are from the typed report whereas the attached handwritten Christchurch Eq RAPID Assessment Form - Level 2

²¹ BUI.CAM233.0054.19

²² Mr Hare's brief at paragraphs 31 and 32 (WIT.HAR.0001.8

²³ TRANS.20111129.110 L5-L10

²⁴ TRANS.20111129.110 L22-L33

²⁵ BUI.CAM233.0054.12

²⁶ BUI.CAM233-0054.13-15

(apparently filled out by Mr Boys, the Holmes project engineer) recorded the "*Overall Hazard/Damage*" as minor or none, assess the Estimated Overall Building Damage as between 0 – 1% ,and circled the G1 notation²⁷ as "*G1.Occupiable, no immediate further investigation required*", and which from the Damage Intensity part of the table in which the G1 notation appears, assesses the Damage Intensity as "*light damage*" and "*low risk*".

35. The 15 October 2010 report²⁸ records the work reviewed as "*PGC Building – Re-inspection of ground floor window frame gap and second floor partition crack*" and among other things, records "No structural issues" in the body of the report (a statement repeated twice) and concluded with the words:

"Building remains structurally okay to occupy on above observations".

36. The Holmes report of 27 January 2011²⁹ records the work reviewed as "*Re-inspection of previously observed damage level 1 and new cracks*", and goes on to record enlarging of previously observed cracks, and spalling of plaster, and recommending repairs to the shear walls and stairs; and concludes with the words:

"Building remains safe to occupy".

37. Harcourts relied upon Holmes to assess the PGC Building to enable its owner principal and the occupier tenants to decide if it was safe to occupy. It was reasonable for the owner and occupiers to rely upon Holmes, who held themselves out as providing the services of a specialist structural engineering firm. Mr Buchanan confirms such reliance in his evidence³⁰ and his experience of Holmes' approach (see

²⁷ page BUI.CAM233.0054.15

²⁸ BUI.CAM233.0054.16)

²⁹ BUI.CAM233.0054.17

³⁰ TRANS.20111129.101 L5-L18

Mr Buchanan's comments relating to a building in Litchfield Street where Holmes had alerted Harcourts to problems as a result of their first inspection.)³¹

38. Significantly Holmes considered the PGC Building one of the least damaged buildings in the Harcourts' portfolio.³² There was no reason for Harcourts to second guess the Holmes' advice. However if Harcourts had the slightest concern, then Mr Buchanan indicated that they would have acted on this as he referred to another building about which he had concerns.³³ It is submitted that under these circumstances, Harcourts' actions were at all times responsible, careful, and very responsive³⁴.
39. Holmes Consulting Group's actions are supported by Beca in their report which states: "... *there were few, if any, signs that the building had been significantly distressed in the shaking that had occurred [on 4 September 2010], or that collapse was a possibility*". (Page 44 of the Beca report "*Investigation into the Collapse of the Pyne Gould Corporation Building on 22nd February 2011*" dated 26 August 2011; and of the Expert Panel Report dated 29 August 2011 which found (at page 3) that:

"The damage to the building as a result of the 4 September 2010 earthquake and the 26 December 2010 aftershock was relatively minor, and was not indicative of a building under immediate distress or having a significantly impaired resistance to earthquake shaking. The proposed method or repair at that time, of grouting the cracks, appears reasonable. The investigation concluded that the damage observed and/or reported after the 4 September 2010

³¹ transcript TRANS.20111129.101 L22-L30; and TRANS.20111129.107 L13-L34; TRANS.20111129.110 L24-L29

³² TRANS.20111129.117 L27-L30

³³ TRANS.20111129.118 L25-L30

³⁴ In this regard, the construction of the question by Counsel Assisting to Mr Buchanan at TRANS.20111129.19 L24-L30 was unwarranted and distasteful.

earthquake and the 26 December 2010 aftershock did not significantly weaken the structure with respect to the mode of collapse on 22 February 2011.

Timely Response to Concerns of Occupiers

40. In summary Harcourts and Mr Collins were undoubtedly justified in relying upon the advice which they got from Holmes following the 4 September 2010 earthquake.
41. There can be no grounds for any criticism of Harcourts performance when dealing with the concerns of the building occupiers who returned after the 4 September earthquake. The evidence and attachments of Ms Sutherland and Mrs Manawatu-Pearcy demonstrate regular correspondence between Harcourts and the tenants, which in particular was responsive to the queries from tenants relating to their observations of the building condition and in particular emails:
 - a. from 10 September to 17 September 2010³⁵
 - b. Concerning a request by a tenant on 14 October 2010 for an inspection.
42. Mrs Manawatu-Pearcy followed this up immediately, which resulted in an inspection that day by Holmes which issued a handwritten report and subsequent typed version on 15 October 2010³⁶.
43. On 20 January, Ms Sutherland of Harcourts requested a re-inspection due to a tenant's concern regarding a large crack on 20 January 2011³⁷ which was followed up by Harcourts on 25 January 2011³⁸, asking for the engineer's report, and resulted in receipt of the last

³⁵ WIT.MAN.0001.35-37

³⁶ WIT.MAN.0001.63-67

³⁷ WIT.MAN.0001.153

³⁸ WIT.MAN.0001.177

engineering report of 27 January 2011³⁹, forwarded by Harcourts to the concerned tenant on the same day it was received on 28 January 2011⁴⁰.

Disaster Planning

44. Harcourts consider that they now have developed significant knowledge through coping with what this natural disaster has thrown at them. These are hard lessons, now well learned. They would have welcomed an opportunity to be questioned constructively on this by counsel assisting the Royal Commission, and to be debriefed at some stage by the relevant stakeholders.
45. In particular Harcourts believe that building owners, their property managers and local authorities should have individualized disaster plans for buildings. These plans could be a requirement of the building's warrant of fitness, and therefore subject to review as the building ages, standards change and with the turnover of engineering, property management personnel and ownership. Some ideas are:
 - a. Effective notification of a buildings' structural qualities;
 - b. Immediate access to civil engineers following a major earthquake – each building should have a designated engineer;
 - c. Pre planning over effective disaster communication systems between owners, property managers, local authorities, occupiers and engineers;
 - d. Immediate cooling off period of say five days before occupiers are allowed to return so that at least owners and their consultants have an opportunity to make

³⁹ WIT.MAN.0001.186

⁴⁰ WIT.MAN.0001.185

proper assessments without the stress of also coping with businesses wanting immediate access;

- e. Occupiers' business interruption insurance could include a specific stand alone "cooling off" cover for this cooling off period;

Conclusion

46. The actions of Harcourts in relation to the PGC building received heavy scrutiny at the Royal Commission hearing, especially from counsel assisting (Mr. Elliott). This was subsequently reported by the press media. Some of this reporting was inaccurate, where The Christchurch Press newspaper wrongly reported that Mr Buchanan failed to pass on information in his possession about the earthquake vulnerability of the building to Mr Collins. That was not true as Mr Buchanan did pass on the PBSL report to Mr Collins. He just did not discuss it with him, which was not his role. He was just asked to obtain the report – Mr Collins could have raised any concerns direct with PBSL. Not surprisingly this has caused distress for Mr Buchanan and Harcourts.
47. With the greatest of respect such rigour in questioning might have been understandable from independent counsel instructed by the families of those who perished in the PGC building. However when counsel for the Royal Commission put serious allegations to Mr Buchanan, the question assumed more significance, and to the Harcourts' witnesses appeared prosecutorial; which was picked up by the media. In particular: Mr Elliott at TRANS.20111129.119

" All right, well I would just like you to consider this – PGC building which we know was built in the 1960's, we also know that Holmes Consulting had identified in 1997 that wall shear cracking initiated at relatively low levels, that in 2007 Holmes expressed concerns about a severe seismic weakness, that Mr Collins apparently asked for safety to be confirmed and that tenants were clearly concerned so what do you say to the suggestion that in doing no more than signing a contract with an

engineer to do an initial earthquake inspection and then simply responding to tenants' concerns and not getting a full detailed assessment of the PGC building at all, Harcourts placed all of the tenants of PGC at the risk of injury or death?"

48. With all due respect the way in which this question was put was unfair because there was no basis for it in any of the evidence, especially following Mr. Elliott's questioning of Mr Collins and Ms Manawatu-Percy. This resulted in the following front page news in *The Christchurch Press* newspaper on 29 November 2011:

"I'm very happy with what our team did," he said.

The comments followed the suggestion by commission lawyer Marcus Elliott, who is also representing victim's families, that "Harcourts placed all of the tenants of PGC at risk of injury or death".

The royal commission is conducting a hearing into the collapse of the PGC building in the February 22 earthquake, which killed 18 people.

49. With respect the description of Mr Elliott in the media as both representing the victim's families and the Royal Commission only highlights the potentially unsatisfactory nature of this arrangement for other interested parties participating in the hearings. It gives Mr Elliott's questions of Mr Buchanan on these issues more significance than they deserve.
50. Harcourts respectfully submits that his line of questioning was not justified by the evidence, both factual and expert. There was never any justification for suggesting that by instructing Holmes to carry out five inspections between 4 September 2011, and 22 February 2012, Harcourts and its staff had done any less than their utmost under the circumstances.
51. Harcourts staff and managers all live in Christchurch and have continued to live through this disaster. They grieve like everyone for a city and way of life which is gone forever – not by their choice or their

own hand. This questioning and subsequent media reporting has greatly distressed Harcourts its managers and staff who continue to live in Christchurch with the families of those that perished in the PGC Building, or were injured there.

52. Harcourts at all relevant times acted as competent and professional property managers. They were dealing with a significant natural disaster. Their actions in relation to the PGC Building have to be seen in the context of a small team of people who were managing a large number of properties in and around Christchurch. Following 4 September they had to deal with the immediate concerns of all of their owners and occupiers, who wanted to urgently know if their business premises were still potentially occupiable, or if not, wanting immediate access. Harcourts had to communicate effectively and professionally with engineers and the Christchurch City Council in relation to each of the buildings which they managed.
53. The Harcourts team had to keep working while dealing with their fears as the aftershocks kept coming. They had to cope with their own personal disasters, losses and feelings of grief. It is respectfully submitted that there can be no justification for any criticism of Harcourts as an entity, or for direct personal criticism of any of its managers and staff. All did their very best.

Dated: 20/12/2011



Philip Rzepecky

Counsel for Harcourts