

Under **THE COMMISSIONS OF INQUIRY ACT 1908**
In the matter of the **CANTERBURY EARTHQUAKES ROYAL COMMISSION
OF INQUIRY**

BRIEF OF EVIDENCE OF HITEN RAMESH PATEL

Dated the 10th day of February 2012

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BRIEF OF EVIDENCE OF HITEN RAMESH PATEL

1. My full name is Hiten Ramesh Patel. I reside in Auckland. I am a business manager.
2. My parents, Ramesh and Parwati Patel, are the owners of the property at 595 Colombo Street. My parents are currently in India and are unable to attend the hearing. From time-to-time I have assisted my parents with management of this property.
3. My parents purchased the property in 1995. At the time an Indian restaurant was operating at the property.
4. For many years prior to the earthquake on February 2011 the property was leased to tenants who operated the Lotus Heart Cafe from the premises. I understand the top floor was set up for residential use and may have been used for this purpose, but it was part of the same tenancy.
5. I am aware that the tenants carried out some works at the property over the years. My parents were never made aware of these works by the tenants. I am unsure of the nature of those works. I have now seen a copy of the Council records relating to a Building Consent Application in 2004. That application was made by the tenants. My parents had no involvement in the Building Consent application or processing. In particular, they did not see or know of the report by Endel Lust dated October 2004 [**BUI.COL595.0031.6**].
6. My parents remember receiving a letter from the Council about the building being possibly earthquake prone and they were generally aware that some strengthening work would need to be carried out at some time in the future, which they intended to do. We are unaware whether any strengthening work had been carried out on the property prior to purchase in 1995. No strengthening work has been carried out since my parents purchased the property.

Earthquakes

7. Following the earthquake on 4 September 2010, my parents visited the property to check on the building and the tenants. This was about a week after the earthquake. They saw that it had been given a green placard, from which they understood the building was safe for the tenants to continue to occupy. A broken window was in the process of being fixed.

8. I initiated an insurance claim on behalf of my parents. I attended the property with someone from Cunningham Lindsey, the insurance assessor, and she recommended that we have a structural engineer inspect the property to check for any structural damage.
9. Accordingly I contacted Noel Hanham at TH Consultants Ltd to do an inspection. I met Mr Hanham on site on 28 January 2011 to arrange access. I received Mr Hanham's report on 3 February 2011 [BUI.COL595.002.1]. I passed it on to my parents. The report noted that there was no evidence of significant structural damage. The report recorded a potential hazard posed by plaster falling off the laths.
10. My mother discussed the hazard identified in Mr Hanham's report with the tenants and told them that they should clear the upstairs unit and not use it. Neither my parents nor I know whether the tenants did vacate the top floor prior to the earthquake on 22 February 2011.
11. Mr Hanham also reported that superficial repair work had been carried out to fill internal cracks following the September earthquake. This work was done by the tenants without my parents' knowledge.
12. I also passed Mr Hanham's report on to Cunningham Lindsey in order to progress the insurance claim for the damage caused by the earthquake. At the time of the February earthquake, the insurance claim was still being processed.
13. My parents have asked me to express their sincere condolences to the family and friends of the victim.

Dated this 10th day of February 2012

H R Patel