

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV 2012-404-6290

BETWEEN

BODY CORPORATE 346799

First Plaintiff

AND

HA THI HOANG & ORS

Second Plaintiffs

AND

KNZ INTERNATIONAL CO LIMITED

First Defendant

AND

BROOKFIELD MULTIPLEX CONSTRUCTIONS (NZ)
LIMITED

Second Defendant (In Liquidation)

AND

FACADE DESIGN SERVICES LIMITED

Third Defendant

AFFIDAVIT OF JOHN GRANT EWEN IN SUPPORT OF THE PLAINTIFFS'
CLAIMS AGAINST THE FIRST AND SECOND DEFENDANTS

Judicial Officer: Thomas J

**GRIMSHAW
& CO** LITIGATION & DISPUTE
MANAGEMENT

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Counsel:
Acting:

G B Lewis
S L Tomlinson

JH
[Signature]

AND PBS CONTRACTING LIMITED
Fourth Defendant (In Liquidation)

AND AUCKLAND CITY COUNCIL
Fifth Defendant

AND BOSTIK NEW ZEALAND LIMITED
Sixth Defendant

AND STEPHEN MITCHELL ENGINEERS LIMITED
First Third Party (Discontinued)

AND STEPHEN MITCHELL
Second Third Party (Discontinued)

AND CITY DESIGN LIMITED
Third Third Party (Discontinued)

AND DAVID LEE
Fourth Third Party (Discontinued)

AND DAVID JAMES FORSTER
Fifth Third Party

AND TRISTAN D'ARCY HARVEY-SMITH
Sixth Third Party

AND WILLIS NEW ZEALAND LIMITED
Seventh Third Party

AND RONALD CHARLES HANLEY
Eighth Third Party

JH



I, JOHN GRANT EWEN, quantity surveyor, of Auckland swear:

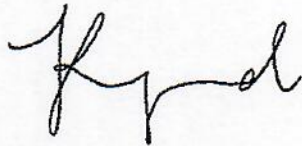
1. I am a quantity surveyor and the manager of RiderLevellBucknall – Advisory and an associate of RiderLevellBucknall Auckland.
2. I was engaged by the plaintiffs in this proceeding to prepare evidence describing the estimate cost of the proposed remedial works at the Victoria building, 135 Victoria Street West, Auckland and to allocate the costs to each defect.
3. I annex marked "A", my second supplementary brief of evidence. This records my own estimate of the cost of the works and the estimated cost of the works based on the latest Teak tender. The estimate based on the Teak tender is the more reliable of the two as it is based on an actual market price.
4. Subsequent to my second supplementary brief of evidence, I updated cost summary schedules 4 and 5 to remove the s74 scheme anticipated cost of \$34,500, as this is no longer required. I annex marked "B", schedules 4 and 5 dated 7 September 2016 reflecting this amendment.
5. There are two further adjustments required:
 - (a) I understand that the plaintiffs' fire expert, Geoffrey Merryweather, no longer considers the unfilled holes described at paragraphs 100 and 101 of his brief, to be a defect. I have updated cost summary schedules 4 and 5 by deducting \$1,210.48 (including margin, GST less non claiming units), being the cost to repair this defect.
 - (b) In his second supplementary brief Peter Moore estimates a further \$100,000 for Council/utility fees relating to inspections processes and permits.
6. I annex marked "C" updated schedule 4 and 5 dated 23 November 2016 incorporating these adjustments.

JH



7. I also annex marked "D", my schedule showing the interest on the plaintiffs' expenditure to 5 December 2016.
8. I confirm that exhibits "A", "B", "C" and "D" are true and correct to the best of my knowledge and belief.

SWORN at Auckland
this 29th day of November
2016 before me:



A Solicitor of the High Court of New Zealand

Kimberley Jayne Hayward
Solicitor
Auckland

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J. C. Ewen

VICTOPIA APARTMENTS - BODY CORPORATE 346799				
VICTORIA STREET, AUCKLAND				15/08/2016
ALLOCATION OF CLAIM COSTS TO DEFECTS		SUMMARY		
	ETERPANEL FAILURE	MEMBRANE FAILURE	PODIUM FAILURE	FIRE RATING
BUILDING REPAIR COSTS				
a RLB Estimate 16/10/15 (from page 2)	\$18,703,643.84	\$31,715,995.24	\$593,308.71	\$7,056,360.70
Units 13H, GD, 8M & 10M				
Less 2.41% for units not in repair costs	-\$450,757.82	-\$764,355.49		
NA to podium / to 85.4% of fire for unit cost			\$0.00	-\$145,229.58
	\$18,252,886.02	\$30,951,639.75	\$593,308.71	\$6,911,121.13
MISCELLANEOUS COSTS				
Consultant Fees \$1,825,221.18				
a Fire engineer \$44,000				\$44,000.00
b Façade engineer, testing & review \$156,421 (panelised proportional to cladding & windows)	\$66,766.54	\$156,420.70		
c Balance fees \$1,624,800.48	\$787,706.39	\$1,423,544.08	\$26,316.18	\$231,499.45
Scheme 47 \$94,790.11	\$45,954.43	\$83,048.90	\$1,535.27	\$13,505.57
Body Corporate Administration \$102,000.00	\$49,449.80	\$102,000.00	\$1,652.05	\$14,532.83
Anticipated Council Fees \$75,000.00	\$36,360.14	\$65,710.10	\$1,214.74	\$10,685.90
Temporary Repair Costs \$15,445.18				
- Double Rope Access \$4,140.00	\$4,140.00			
- Carpet Repairs \$115.00		\$115.00		
- The Maintenance Guys \$839.51	\$618.13	\$839.51		
- Aruba \$4,163.00		\$1,679.00		\$2,484.00
- Water Works \$1,227.68			\$642.07	\$585.61
- Kirk Bedgood	\$4,959.99			
	\$995,955.41	\$1,833,357.30	\$31,360.31	\$317,293.35
Units 13H, GD, 8M & 10M				
Not applicable to Podium			\$0.00	
Less 2.41% as applicable to 85.4% of fire defects				-\$6,530.34
Less 2.41% for units not in miscellaneous costs	-\$24,002.53	-\$44,183.91		
	\$971,952.89	\$1,789,173.39	\$31,360.31	\$310,763.01
Repair and Miscellaneous Costs Totals	\$19,224,838.91	\$32,740,813.14	\$624,669.02	\$7,221,884.14
Consequential Losses	\$4,237,532.23	\$6,901,956.60	\$92,843.79	\$7,014,722.61
CLAIM ALLOCATION TOTALS	\$23,462,371.14	\$39,642,769.74	\$717,512.81	\$14,236,606.75
Combined = \$78,069,260.44				