

**Huria v Porirua City Council 30/10/02, Ronald Young J, HC Wellington AP257/02**

Successful appeal against conviction for failure to comply with s 42 Building Act 1991 notice to rectify building work - H convicted and fined under s 84 Building Act - no reasons on formal proof given by District Court Judge - construction of extra storey on Plimmerton house not in accordance with plans and left house in dangerous state.

Held, to prove an offence under s 42 territorial authority must show that either owner or person undertaking building work failed to comply with notice - no evidence in affidavits themselves to show that H was the person who undertook building work on the premises though owners identified - appeal allowed and conviction set aside - rehearing directed.