

**Law v Wilson 16/8/02, Harrison J, HC Auckland A110/01 - A113/01**

Unsuccessful appeal by L against conviction - L convicted of permitting another person to use building on his property for a use for which building was not sanitary - building was excessively damp and mouldy with inadequate sanitary and hand washing facilities - L's appeal based on fresh evidence, erroneous decision and inadequate representation - L also argued that the \$40,500 fine was excessive.

Held, even if tenants did cultivate cannabis in a room and moisture was released into the atmosphere it was not enough - fresh evidence does not establish a probability that the cannabis was the primary cause of the dampness - fresh evidence would not have affected the Judge's findings - evidence identified structural deficiencies and interior dampness, and a causal relationship between the two - Judge was entitled to this finding - also that the offences were continuing in nature - valid inference that structural defects were inherent to the building converting process and were long-standing - L's counsel suffered greatly concerning language difficulties - deficiencies in L's counsel were such as to raise serious questions about his competence to represent them - however it did not have a seriously prejudicial effect on the result - Judge was entitled to infer that the living conditions of the tenants would have been emotionally upsetting for them - deterrence justified the sentence given - appeal dismissed.