

Developers lose canopy court case

LIARDET Apartments has lost a court case to try to force a Maori community trust to remove a carpark canopy attached to its \$16 million development building.

Liardet Apartments, on the corner of Gill and Liardet streets, is developing the former rest home building into 25 city apartments.

Two additional storeys are being added to the building.

The trust, which offers health, educa-

tional and welfare services to the iwi, bought the former Hayton's building in 2004.

After a civil court case in the High Court in New Plymouth earlier this year, Justice Rodney Hansen, of Auckland, has ruled the canopy would stay.

In a written statement, the judge refused Liardet Apartments' claim for the immediate removal of the canopy at 22 Gill St, owned by Te Roopu O Te Atiawa Trust.

The judge allowed the trust's counterclaim, which entitles it to have the support of the canopy for eight years.

However, the easement is on condition that the trust indemnify Liardet Apartments against any damage to its building caused by the canopy and pay a reasonable rental for the right to support the canopy.

Judge Hansen reserved costs and leave for the parties to apply for precise relief terms.