

27 September 2022

File Ref: OIAP-7-25606

By email: [REDACTED]

Tēnā koe [REDACTED]

Request for information 2022-145

I refer to your request for information dated 3 September, which was received by Greater Wellington Regional Council (Greater Wellington) on 3 September. You have requested the following:

- a. Information or communications with regards to the decision to pursue the **tenants** at 48 Blue Mountains Road (the **property**), as attached NZTT 4275642 (the **hearing**).
- b. Please identify whether anybody ever lived in that property after the tenants moved out.
- c. Please also include any information about how much money **Oxygen.co.nz** Ltd received from taking this action.
- d. The earliest date that WRC knew, more likely than not, that the property was to be demolished
- e. The earliest date that WRC knew that the property was definitely going to be demolished

To outline public interest:

WRC is a large landlord and was the landlord in this matter

1. [Oxygen.co.nz](https://www.oxygen.co.nz) is the largest landlord in the Greater Wellington Region
2. Damages were only awarded in the hearing because Oxygen claimed they were unsure whether the property would be demolished.
3. The property has or is imminently scheduled for demolition.
4. Oxygen is again pursuing damages for being allegedly "reasonably tidy and reasonably clean", with the property being sold to a developer
5. Common sense clearly shows that a reasonable standard when the property is to be demolished is that it is safe, but that it doesn't need to be dusted, freshly vacuumed etc.
6. Thus, Oxygen have established a pattern of pursuing damages in bad faith
7. It is in the public interest that Oxygen be prevented from repeating this pattern"

Greater Wellington's response follows:

- a. *Information or communications with regards to the decision to pursue the **tenants** at 48 Blue Mountains Road (the **property**), as attached NZTT 4275642 (the **hearing**).*

Please refer to **Attachment 1**. We have withheld information pertaining to personal identifying information, in accordance with section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 (the Act) – to protect the privacy of natural persons, including that of deceased natural persons.

- b. *Please identify whether anybody ever lived in that property after the tenants moved out.*

No person/s lived in the property after the tenants moved out.

- c. *Please also include any information about how much money **Oxygen.co.nz** Ltd received from taking this action.*

The Tenancy Tribunal Order awarded the Landlord \$4,272.27 which included \$892.86 rent arrears.

Oxygen.co.nz Ltd received 7% management fee + GST on the rent arrears of \$892.86 that was paid which equated to \$62.50 + GST in total. The balance of monies was paid to GWRC.

- d. *The earliest date that WRC knew, more likely than not, that the property was to be demolished 10 August 2020.*

- e. *The earliest date that WRC knew that the property was definitely going to be demolished 28 August 2020.*

We have considered whether the public interest in the requested information outweighs Greater Wellington's need to withhold certain aspects of the requested correspondence. As a result, we do not consider that the public interest outweighs Greater Wellington's need to reason for withholding parts of the document under section 7 of the Act.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Act.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Wayne O'Donnell
Kaiwhakahaere Matua Whaitua | General Manager, Catchment Group Management

Attachment 1

From: [Colin Munn](#)
To: [REDACTED]
Cc: [Sharyn Westlake](#)
Subject: RE: 48 BMR
Date: Thursday, 10 September 2020 2:52:37 pm
Attachments: [image003.jpg](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.jpg](#)
[image008.png](#)
[image002.png](#)

Hi [REDACTED],

I agree, Wellington Water should not be making direct contact with Oxygen/[REDACTED]. They should be talking to Sharyn or yourself. Please tell [REDACTED] to refer any enquires to you in the first instance.

Sharyn Westlake and I met with Wellington Water on 4 Sept (Lyndie McMillan/Tristan Reynard) to get an update of the project. I particularly wanted to get information on the various properties, and timeframes .

WWL/Downer have delayed starting the culvert works pending approval of the resource consent for the stream work. This was granted on 4 Sept but there is still a likelihood of an appeal. If there is no appeal they will start work on the culverts – Oct 2020.

- 4 Sunbrae Drive. Currently empty and remain so until the culvert works are complete. We have asked WWL what they are recommending to do with this house – relocate/demolish?
- 28 Blue Mountains - not affected until 1 Aug 2021. Notice required May 2021
- 48 Blue Mountains Rd –Long term the property will be demolished – we do not want a house located over the stream. Decision still required what will happen to the land afterwards – Will there be a section left to build on. If the culvert works proceed now property not be tenanted. If there are appeals then may be an opportunity to tenant the property for a further period – I think the likelihood is low. There should be an opportunity to use the house for materials.
- 10A Sunbrae Drive This house has been purchased by UHCC and are managing it. They are using this for the site office

Lyndie McMillain was to come back and confirm the requirements for the houses and future intentions.

Another meeting has been arranged with WWL on 14 Sept at 12:00. This is mainly about the Coms Plan.

Cheers, Colin



Colin Munn

Kaitaki-a-tīma | Team Leader - Flood Protection Operations, Delivery & Planning

Greater Wellington Regional Council Te Pane Matua Taiao

DD 046 830 4049 | M 021 554 564

Shed 39, 2 Fryatt Quay, Pipitea Wellington 6011

PO Box 11646, Manners St, Wellington 6142

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 **Please consider the environment before printing this e-mail.**

From: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>

Sent: Thursday, 10 September 2020 9:19 AM

To: Colin Munn <Colin.Munn@gw.govt.nz>

Subject: FW: 48 BMR

Hi Colin,

Why is Gen from WW liaising directly with [REDACTED] from Oxygen? See first email below. I don't believe that Gen should be bypassing both yourself and me, as far as I'm aware, I'm still managing the property unless you tell me otherwise? Oxygen is no longer involved as it is not tenanted.

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@oxygen.co.nz>

Sent: Thursday, 10 September 2020 7:52 AM

To: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>

Cc: [REDACTED] <[REDACTED]@downer.co.nz>

Subject: FW: 48 BMR

Morning [REDACTED]

See below request from Geoff.

Kindest Regards

[REDACTED]

[REDACTED] Property Management Team Leader
[REDACTED]

[W oxygen.co.nz](http://www.oxygen.co.nz) | 23 Cornwall Street, Lower Hutt, 5010



From: [REDACTED] <[REDACTED]@downer.co.nz>

Sent: Wednesday, 9 September 2020 2:43 PM

To: [REDACTED] <[REDACTED]@oxygen.co.nz>

Cc: [REDACTED] <[REDACTED]@downer.co.nz>; Lyndie McMillan

<Lyndie.McMillan@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]>

[REDACTED] <[REDACTED]@downer.co.nz>; Genevieve Drake <Genevieve.Drake@wellingtonwater.co.nz>

Subject: RE: 48 BMR

Hi [REDACTED]

I see in the email below with you and Gen that there will be no tenants living at 48 Blue Mountains Rd for the duration of the culvert construction. Is it possible/what needs to happen to make that house available to us for the culvert renewal at Pinehaven Rd as site facilities? Toilet, kitchen, crew briefing space etc. All unused rooms would be isolated, floor coverings protected and the house returned to a clean rentable condition upon completion of the culvert.

Regards

[REDACTED]

Site Engineer | Infrastructure Projects
New Zealand



M | [REDACTED]

E | [REDACTED]@downer.co.nz

Level 3, 265 Wakefield Street, Marion Square
Wellington 6141

www.downergroup.co.nz
www.downercareers.co.nz



Think before you print

From: Genevieve Drake <Genevieve.Drake@wellingtonwater.co.nz>

Sent: Monday, 17 August 2020 3:13 PM

To: [REDACTED] <[REDACTED]@oxygen.co.nz>

Cc: Tristan Reynard <Tristan.Reynard@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; Lyndie McMillan <Lyndie.McMillan@wellingtonwater.co.nz>; Belinda Mackenzie-Dodds <[REDACTED]@downer.co.nz>

Subject: 48 BMR

[External Email] This email was outside the organisation – be cautious, particularly with links and attachments.

Hi [REDACTED]

Thanks for our chat just now and your confirmation that you've not been asked to place new tenants at 48 BMR.

Thanks also for agreeing to let me know if that changes and GWRC asks you to.

As discussed, the vegetation removal near the existing culverts will happen over the next couple of weeks and it's good that we're not having to worry about the disruption so close to 48 BMR. In a few months when the new culvert goes in the potential disruption for tenants would be significant. (everyone cc'd below are [REDACTED] contact details☺)

[REDACTED] Property Management Team Leader

[W oxygen.co.nz](http://www.oxygen.co.nz) | 23 Cornwall Street, Lower Hutt, 5010



gard to this information.

Warm Regards

Gen

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From: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Sent: Friday, 28 August 2020 3:05 pm
To: [REDACTED]
Subject: RE: 48 Blue Mountains Road

Hi [REDACTED],

The official word we have had on 28 Blue Mountains is:

“Currently we expect 28 Blue mountains to be removed in August 2021, so they would need to give notice in May 2021.

This contract has not yet been signed up yet so could change, but I will update you if it does when we get the contract programme. But again as this work is not scheduled to start before next FY it is not likely to be earlier than this.”

So at the moment we don't need to give [REDACTED] notice ??

I don't know when 48 Blue Mountains is going to be demolished, but they have confirmed that it is to be demolished so please just arrange for the house to be made secure, whether that is just boarding up the front door.

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@oxygen.co.nz>
Sent: Thursday, 27 August 2020 12:43 PM
To: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Subject: FW: 48 Blue Mountains Road

Sorry [REDACTED]

I forgot to ask you to also please confirm when I will need to give notice to 28 Blue Mountains Road – I will need to give at least 90 days notice for [REDACTED] to vacate so if in fact the house is going to be demolished in February we would need to give notice fairly soon.

Thanks

[REDACTED]

[REDACTED] Property Management Team Leader
[REDACTED]
W oxygen.co.nz | 23 Cornwall Street, Lower Hutt, 5010

From: [REDACTED] <[REDACTED]@oxygen.co.nz>
Sent: Thursday, 27 August 2020 12:19 PM
To: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Subject: 48 Blue Mountains Road

Hi [REDACTED]

As communicated I have had the following work done at Blue Mountains Road and have on-charged these costs to the tenant:

- Full clean throughout
- Rubbish removed
- 6 broken windows repaired

While I was on site yesterday 26th August with my builder to discuss further repairs needed after the last tenants did some damage inside the property, [REDACTED] from Downer approached us. He was working on the property removing trees and just wanted to make sure we knew they were there and not to walk out on the front of the property because of the danger.

[REDACTED] said he'd seen our cleaner at the property a few days prior and wondered if we were re-tenanting it because he was going to be demolishing no. 48 and also no. 28 Blue Mountains Road in February 2021.

My response was that I was instructed by you to bring it up to a clean and tidy condition and have all repairs completed because it was going to be a house for removal. I'm just letting you know about this conversation because I was about to launch into around \$2,000 worth of repairs to fix the following damages. I'll still get our builder to quote the work and on-charge to the tenant but please let me know if I should be worrying about actually having the following issues remedied if the property is going to be demolished in February?

- * Replace all missing light bulbs throughout the house - there's at least 10 needed in the lounge alone
- * Louvre doors between master bedroom downstairs and the ensuite have been removed and need to be put back on
- * Repair a tiled exterior corner of a wall in the master bedroom ensuite next to the toilet where tiles have been smashed off
- * Replace missing window latch on master bedroom downstairs and 2 on upstairs bedroom with new window glazing
- * Internal door from entry into the garage isn't shutting and has been torn off the hinges, please repair
- * Dining room louvre door to cupboard has a missing door handle please replace
- * Upstairs bedroom (with wooden floors) the door has been removed and needs putting back on. It's propped up against a wall in that bedroom, in fact there's 2 but not sure where the 2nd one is missing from?
- * Some wardrobe door handles are missing (bedroom opposite bathroom upstairs), please pop some new ones on
- * Bedroom 7 - (upstairs next to separate toilet) door has a large split and needs to be repaired/replaced.
- * Bedroom 7 - (upstairs next to separate toilet) repair a round hole in wall next to light switch
- * The laundry door lock isn't locking, can you please repair/replace the lock
- * Kitchen cutlery drawer has come apart, it's sitting inside the cupboard under the sink at the moment, please repair and put back in.

In addition to the work above, I had booked in Jaes Hutt Valley to steam clean the carpets next week but have now put a hold on this job until I hear further from you [REDACTED]. Again I will have Jaes provide a quote for the work for the purpose of on-charging the vacating tenants.

Thanks in anticipation.

Kindest Regards
[REDACTED]

[REDACTED] Property Management Team Leader
[REDACTED]
W oxygen.co.nz | 23 Cornwall Street, Lower Hutt, 5010

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PROACTIVE RELEASE

From: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Sent: Wednesday, 19 August 2020 6:43 am
To: [REDACTED]
Subject: RE: 48 Blue Mountains Road - Glass Repairs

Hi [REDACTED],

I'm still waiting on GWRC to inform me what is happening with the house. However I think it should be cleaned and the windows fixed, costs recovered from the tenant.

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@oxygen.co.nz>
Sent: Monday, 17 August 2020 2:46 PM
To: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Subject: 48 Blue Mountains Road - Glass Repairs

Hi [REDACTED]

I've had a quote for replacement of 6 broken and cracked panes of glass – cost will be \$1306.00 incl GST (attached).

The tenant will be charged for these repairs regardless if they are fixed. Do you require me to get the windows replaced as per this quote?

Also please let me know if you require the house to be cleaned internally. Same process will apply, I'm waiting on a quote to clean it and the tenant will be charged regardless if it's cleaned or not.

The carpets are beyond cleaning though so if the property was to be re-tenanted I would recommend replacement carpet.

Kindest Regards

[REDACTED]

[REDACTED] Property Management Team Leader

[REDACTED]
W oxygen.co.nz | 23 Cornwall Street, Lower Hutt, 5010

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From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: 48 BMR
Date: Thursday, 10 September 2020 7:51:50 am
Attachments: [image003.jpg](#)
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[image005.png](#)
[image006.png](#)
[image001.jpg](#)
[image002.png](#)
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[insta-circle-smol_e42075d7-de94-4149-b9e0-18046324f745.png](#)
[OXYlinkedin-logo-button.small_9ab17fee-6f95-46ed-be5b-3f7687fcd90e.png](#)

Morning [REDACTED]
See below request from [REDACTED]
Kindest Regards

[REDACTED]

[REDACTED] Property Management Team Leader
[REDACTED]
[W oxygen.co.nz](http://www.oxygen.co.nz) | 23 Cornwall Street, Lower Hutt, 5010



From: [REDACTED] <[REDACTED]@downer.co.nz>
Sent: Wednesday, 9 September 2020 2:43 PM
To: [REDACTED] <[REDACTED]@oxygen.co.nz>
Cc: Tim Haylock <[REDACTED]@downer.co.nz>; Lyndie McMillan <Lyndie.McMillan@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; Genevieve Drake <Genevieve.Drake@wellingtonwater.co.nz>
Subject: RE: 48 BMR

Hi [REDACTED]
I see in the email below with you and Gen that there will be no tenants living at 48 Blue Mountains Rd for the duration of the culvert construction. Is it possible/what needs to happen to make that house available to us for the culvert renewal at Pinehaven Rd as site facilities? Toilet, kitchen, crew briefing space etc. All unused rooms would be isolated, floor coverings protected and the house returned to a clean rentable condition upon completion of the culvert.

Regards
[REDACTED]
Site Engineer | Infrastructure Projects
New Zealand



M | [REDACTED]
E | [REDACTED]@downer.co.nz
Level 3, 265 Wakefield Street, Marion Square
Wellington 6141
www.downergroup.co.nz
www.downercareers.co.nz



Think before you print

From: Genevieve Drake <Genevieve.Drake@wellingtonwater.co.nz>

Sent: Monday, 17 August 2020 3:13 PM

To: [REDACTED] <[REDACTED]@oxygen.co.nz>

Cc: Tristan Reynard <Tristan.Reynard@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; Lyndie McMillan <Lyndie.McMillan@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>

Subject: 48 BMR

[External Email] This email was outside the organisation – be cautious, particularly with links and attachments.

Hi [REDACTED]

Thanks for our chat just now and your confirmation that you've not been asked to place new tenants at 48 BMR.

Thanks also for agreeing to let me know if that changes and GWRC asks you to.

As discussed, the vegetation removal near the existing culverts will happen over the next couple of weeks and it's good that we're not having to worry about the disruption so close to 48 BMR. In a few months when the new culvert goes in the potential disruption for tenants would be significant. (everyone cc'd below are Brenda's contact details☺)

[REDACTED] Property Management Team Leader
[REDACTED]
www.oxygen.co.nz | 23 Cornwall Street, Lower Hutt, 5010



gard to this information.

Warm Regards

Gen

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See below request from [REDACTED]
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[REDACTED] Property Management Team Leader
[REDACTED]
[W oxygen.co.nz](http://www.oxygen.co.nz) | 23 Cornwall Street, Lower Hutt, 5010



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Sent: Wednesday, 9 September 2020 2:43 PM
To: [REDACTED] <[REDACTED]@oxygen.co.nz>
Cc: [REDACTED] k <[REDACTED]@downer.co.nz>; Lyndie McMillan <Lyndie.McMillan@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; Genevieve Drake <Genevieve.Drake@wellingtonwater.co.nz>
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Regards
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Site Engineer | Infrastructure Projects
New Zealand



M | [REDACTED]
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Think before you print

From: Genevieve Drake <Genevieve.Drake@wellingtonwater.co.nz>

Sent: Monday, 17 August 2020 3:13 PM

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Cc: Tristan Reynard <Tristan.Reynard@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>; Lyndie McMillan <Lyndie.McMillan@wellingtonwater.co.nz>; [REDACTED] <[REDACTED]@downer.co.nz>

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[REDACTED] Property Management Team Leader

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PROACTIVE REVIEW EASE

From: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Sent: Thursday, 20 August 2020 4:09 pm
To: [REDACTED]
Subject: RE: 48 Blue Mountains Road Bond Inspection

Hi [REDACTED]

This will most likely be a house for removal so we would like all the repairs to be completed (at some stage before it gets removed). Do we need actual invoices to claim the costs from the boys or a quotes enough?

Thanks,
[REDACTED]

From: [REDACTED] <[REDACTED]@oxygen.co.nz>
Sent: Wednesday, 5 August 2020 8:05 AM
To: [REDACTED] <[REDACTED]@jigsawproperty.co.nz>
Subject: 48 Blue Mountains Road Bond Inspection

Hi [REDACTED]

I did the bond inspection here yesterday. The 4 broken windows previously identified haven't been fixed and I found 2 more. There is cleaning to do, some curtains need throwing away. There are small items inside the house (a large bag full) and other items outside the house that need removing such as a table outside, a table top inside, a broken bbq in the front near the river, a large wool bag full of aluminium cans, an entire car exhaust pipe, some rubbish stuffed under the deck off the lounge and a few bottles and cans scattered around, also a clothes airer, some mops and brooms. One of the kitchen drawers has fallen apart and is stored in a cupboard and a few wardrobe handles are missing throughout the house. The boys removed some of the internal doors and haven't put them back on, one bedroom door has a large split in it, there's a fist sized hole in exterior cladding, a smaller hole in a wall at the top of the stairs under the large windows and about 20 or so missing light bulbs throughout the house. The carpet would need replacing, it smelt like a dog toilet. The lawn areas have been weedeated and the external garage which I don't have a key for is empty.

The fire hose reel is pouring out water as is the kitchen mixer tap, both of which I've organised our plumber to sort out today.

The tenants have \$892.86 owing in rent, no keys have been returned as far as I know. Bond held is \$2400.

What would you like me to do in regards to cleaning, repairs, tidy up? If the house is to be demolished it's not worth cleaning or sorting anything out as far as damage, I would still keep their full bond to cover arrears, rubbish removal and repairs.

If the house is to be sold for removal let me know if I need to have all the windows repaired, cleaning done, internal repairs, light bulbs etc or if it will be sold as is.

Give me a call today about it, I've got loads of photos if you want to see them and if you want to meet out there let me know. Gen from Wellington Water rang about it and wondered when it was coming empty, you may want to advise her it's empty now.

Kindest Regards

[REDACTED]

[REDACTED] Property Management Team Leader

[REDACTED]
W oxygen.co.nz | 23 Cornwall Street, Lower Hutt, 5010

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