

IN THE SUPREME COURT OF NEW ZEALAND

SC 59/2015
[2015] NZSC 133

BETWEEN

JOHN GILBERT
First Applicant

QSM TRUSTEE LTD (IN
RECEIVERSHIP AND IN
LIQUIDATION)
Second Applicant

AND

BODY CORPORATE 162791
Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: D J Chisholm QC and S M Jass for First Applicant
J Anderson and T J G Allan for Respondent

Judgment: 4 September 2015

JUDGMENT OF THE COURT

- A** The application for leave to appeal is granted (*Body Corporate 162791 v Gilbert* [2015] NZCA 185).
- B** The approved questions are whether the Court of Appeal was right:
- (i) to hold that the first applicant was personally liable under s 32(5) of the Receiverships Act 1993 to pay body corporate levies to the respondent in relation to the second applicant's units; and
 - (ii) to find that the first applicant had no arguable claim for relief from personal liability under s 32(7) of the Act.
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Solicitors:
Tompkins Wake, Hamilton for First Applicant
Grove Darlow & Partners, Auckland for Respondent