

Megan McKinstry

From: Bray, Naomi <Naomi.Bray@colliers.com>
Sent: Tuesday, 25 January 2022 11:59 a.m.
To: Taumarunui@claw.co.nz
Subject: FW: 2A Para Street Taumarunui

Fencing Act 1978. The land at 2A Para Street, is held for Railway Purposes

Identifier	SA52A/116
Land Registration District	South Auckland
Date Issued	09 March 1993

Prior References

PROC 2137

Type	Fee Simple
Area	2.7129 hectares more or less
Legal Description	Lot 1 Deposited Plan South Auckland 62706
Purpose	Railway purposes
Registered Owners	
Her Majesty the Queen	

3 Application of Act

(1) Nothing in this Act shall apply in respect of—

- (a) roads;
- (b) land forming part of a national park under the National Parks Act 1980;
- (ba) land that is Te Urewera land, as defined by section 7 of the Te Urewera Act 2014;
- (c) land held for railway purposes other than for the accommodation of employees by the Crown, New Zealand Railways Corporation, or a railway operator that is a Crown transferee company (as those terms are defined in section 2 of the New Zealand Railways Corporation Restructuring Act 1990);
- (ca) land held or occupied for the operation of a railway by a railway operator, not being a Crown transferee company (as those terms are defined in section 2 of the New Zealand Railways Corporation Restructuring Act 1990), other than land used principally for car parking, the storage of

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Version as at
28 October 2021

Fencing Act 1978

Part 2 s 5

freight, materials, and ancillary equipment, or administration or residential purposes:

- (d) land that is a marginal strip within the meaning of the Conservation Act 1987;
- (e) land that is an esplanade reserve within the meaning of the Resource Management Act 1991 or an esplanade strip within the meaning of that Act.

From: Taumarunui <Taumarunui@claw.co.nz>

Sent: Friday, 21 January 2022 2:45 PM

To: Bray, Naomi <Naomi.Bray@colliers.com>

Subject: RE: 2A Para Street Taumarunui

Many thanks Naomi. Very much appreciated.

regards

Karen Ngatai

*Community Legal Advice Taumarunui
115 Hakiaha Street Taumarunui
Cl- PO Box 135
Taumarunui*

Phone: 07 895 8033

From: Bray, Naomi <Naomi.Bray@colliers.com>
Sent: Friday, January 21, 2022 12:17 PM
To: Taumarunui <Taumarunui@claw.co.nz>
Subject: RE: 2A Para Street Taumarunui

Hi Karen

I have shared your email with LINZ and LINZ has provided the enclosed letter which I hope clarifies the ownership / lease and assists your clients with the Disputes Tribunal.

Regards, Naomi

From: Taumarunui <Taumarunui@claw.co.nz>
Sent: Thursday, 20 January 2022 3:33 PM
To: Bray, Naomi <Naomi.Bray@colliers.com>
Subject: 2A Para Street Taumarunui

Hello Naomi, you will recall that we had a telephone conversation in December 2021 re Mr Dennis Smith and his occupation at the above address. My understanding from that call is that Mr Smith does not have the lease or a sublease for that land.

I have two clients who live in Para Street who are being told by Mr Smith that they must pay 50% towards a new fence as their existing fences are not adequate for his commercial business which he intends to set up on that land. He is using the Fencing Act to compel them to pay.

One of my clients is an elderly lady and has been very intimidated by Mr Smith and called the Police. The Police issued Mr Smith with a Trespass Notice.

Mr Smith has threatened to take both clients to the Disputes Tribunal to make them pay for his fence. He has not waited for a Disputes Tribunal hearing and has pulled down a clients fence and has started building another. Now there is an unfinished fence and my clients chickens are able to roam off the property.

I do not believe Mr Smith has any legal authority to compel my clients to help pay for a fence, firstly because he does not have any legal authority over the land and secondly my clients existing fences are adequate for their needs (or at least they were before Mr Smith pulled one down) and this is quite clear in the Fencing Act.

Today I have received a very threatening email from Mr Smith. It is a personal attack on myself for supporting my clients. I have notified the Police. Mr Smith has also posted a "blog" about me which borders on being slander and is full lies and insults. I am seeking legal advice on the contents of the "blog".

This is how far he will go to get his own way.

There are several other neighbouring properties who have been approached by Mr Smith to coerce money from them for "his" fence and to be honest, this has to stop.

Can you please advise if your organisation can offer any help in this matter. In Mr Smith's correspondence to me he states that the land and building are his, which we know is not correct.

Can you also supply a statement that Mr Smith does not have the lease or sublease for that land as this will be very helpful for the Disputes Tribunal Hearings. The first hearing is on 4th February 2022.

Naomi this is quite urgent as the harassment/intimidation of my clients has to stop. They are very fearful of him and I am quite concerned about his threats to me.

Regards

Karen Ngatai
Community Legal Advice Taumarunui
115 Hakiaha Street Taumarunui
Cl- PO Box 135
Taumarunui

Phone: 07 895 8033

Rules impacting real estate agency work, incorporated in the Anti-Money Laundering legislation, apply in New Zealand from 1 January 2019. This means that before we can engage in real estate agency work we will need to collect identity information from our vendor and landlord clients

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