

From: Grace Ockwell
To: [REDACTED]
Cc: [Kristy Rusher](#); [Kevin Taylor](#)
Subject: LGOIMA request - Planter garden
Date: Friday, 6 November 2015 11:03:13 a.m.
Attachments: [Fisk, Angus LGOIMA Planter boxes.pdf](#)
[image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Dear Mr Fisk,

I refer to my phone call and email of Tuesday 3 November 2015 in which I committed to providing you with a written response to your request for information about the planter garden at 827 Cumberland Street.

In your email of 17 September 2015 you requested "copies of all Council records pertaining to my dispute with the Council over having a planter garden at Council flats at 827 Cumberland St as outlined in the attachment".

I am attaching copies of all Council records which falls within the ambit of your request.

Some information in the email dated 24 September 2015 from the Property Manager Kevin Taylor to the Chief Executive Officer's personal assistant Vivienne Harvey has been withheld. The information is withheld pursuant to section 7(2)(f)(i) of the Local Government Official Information and Meetings Act 1987 (LGOIMA). Withholding the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to ...employees in the course of their duty.

As we have withheld some information, you have the right, pursuant to section 27 of LGOIMA to have our decision reviewed by the Office of the Ombudsman who may be contacted at:

The Ombudsman
Office of the Ombudsman
PO Box 10 152
WELLINGTON 6143

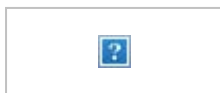
Ph 0800 802 602
www.ombudsman.parliament.nz

info@ombudsman.parliament.nz

With kind regards,

Grace Ockwell
Governance Support Officer
Civic and Legal

Dunedin City Council
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: grace.ockwell@dcc.govt.nz



 Please consider the environment before printing this e-mail

From: Grace Ockwell
Sent: Tuesday, 3 November 2015 5:03 p.m.
To: 'Angus Fisk'
Cc: Kristy Rusher
Subject: RE: Failure to furnish information - LGOIMA request - 519092

Good afternoon Angus,

Just confirming the message I left on your answerphone this afternoon, that I will provide an answer to your request by this Friday.

Please accept my apology for the lack of response from the DCC - there has been a breakdown in communication between two DCC departments.

Feel free to telephone me on my direct dial 474 3487. I am on leave tomorrow Wednesday and return to work on Thursday at 8:30 am.

Kind regards

Grace Ockwell
Governance Support Officer
Civic and Legal

Dunedin City Council
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: grace.ockwell@dcc.govt.nz

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-----Original Message-----

From: Angus Fisk [REDACTED]
Sent: Tuesday, 3 November 2015 4:29 p.m.
To: officialinformation@dcc.govt.nz
Subject: Failure to furnish information - LGOIMA request - 519092

My request to you dated 17-09-2015 (and reminder of 02-10-2015) refer

I am disappointed that notwithstanding considerable patience on my part I still await the provision of of information sought. Further appreciable delay will result in my making a complaint the the Ombudsman's Office

yours faithfully

Angus Fisk

16 December 2014

Mr Angus Fisk
[REDACTED]

North Dunedin
Dunedin 9016

Dear Mr Fisk

I note you have pot plants and a hot house on the upstairs access way to the flats at [REDACTED] Cumberland St, Dunedin. Unfortunately this is a health and safety issue and these are to be removed. The access way is there for all tenants to use and must be kept clear.

Regards

Sharron Tipa
Housing Manager

I:\property\letters\st\2014\fisk 1612.docx

The Head of D.C.C.
Housing

[REDACTED]
Cumberland Street
DUNEDIN 9016
Friday 19th Dec 2014

Dear Sir / Madam

Angus Fisk, my immediate neighbour here at 827, has told me that he has had a directive from the D.C.C. Housing Dept. to remove his pot plants.

Sited were various reasons, including they block access and they are a health hazard. I go in and out past [REDACTED], the flat where Angus lives, several times every day. His plants do not block my access.

The plants are not a health hazard, they are the opposite, supplying oxygen and beauty.

Angus is a very considerate neighbour and an amicable person who's gardening hobby I love.

I suggest that if someone has a problem, or problems, with the plants that the matter go to mediation, so that whatever it is that is a problem can be resolved.

Sincerely
[REDACTED]

Baxter Hunter

From: Sharron Tipa
Sent: Monday, 22 December 2014 08:14 a.m.
To: [REDACTED]
Cc: Baxter Hunter
Subject: Planters on 2nd storeid walkway at 827 Cumberland St

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Fisk

Unfortunately you are unable to keep the planters and hothouse on the walkway at 827 Cumberland St. I will discuss this with your Housing Officer, Mr Hunter, on his return to work. Your lease covers the rental of the unit, not the access ways which are common areas for all tenants and as such must be kept clear .

Sharron Tipa
Housing Manager, City Property
DUNEDIN CITY COUNCIL

50 The Octagon, Dunedin; PO Box 5045, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3700
Email: sharron.tipa@dcc.govt.nz; www.dunedin.govt.nz



Please consider the environment before printing this e-mail

Baxter Hunter

From: Sharron Tipa
Sent: Monday, 9 February 2015 09:59 a.m.
To: Baxter Hunter
Subject: FW: Angus Fisk - Pot plants - 827 Cumberland St [#49DD8B]

Hi Baxter

Have you sorted this one as yet?

From: Dunedin City Council [<mailto:CUSTOMER.SERVICES@dcc.govt.nz>]
Sent: Friday, 19 December 2014 3:05 p.m.
To: Sharron Tipa
Subject: FW: Angus Fisk - Pot plants - 827 Cumberland St [#49DD8B]

Dear Sharron

This was received via email/website. If this is not something you deal with, please let me know.

Thanks,

Susan McGregor
Customer Services Officer
Customer Services Agency
Dunedin City Council
50 The Octagon, Dunedin; PO Box 5045, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3366
Email: dcc@dcc.govt.nz; www.dunedin.govt.nz

-----Original Message-----

From: "Angus Fisk" [REDACTED]
Sent: Friday, 19 December 2014 2:59 p.m.
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Angus Fisk - Pot plants - 827 Cumberland St

ATTN: Sharron Tipa, Housing Manager

Your letter of the 16 Decembers refers.

I am distressed at your arbitrary directive that the pot plants on the landing of the flats at 827 Cumberland Street comprise a health and safety issue and have to be removed. Prior approval for the planters was obtained from Mr Baxter Hunter, the then Housing Manager and he has not seen fit to object to their presence upon subsequent inspections. Nor have various other inspectors apparently on Council business, or indeed representatives of the Fire Service visiting the site.

I query as to how and why the pot plants now present a health and safety issue. The pot plants in no way

impede access or
egress to any of the flats.

Furthermore, they are there with the approval of the other upstairs tenants who have many times expressed that the plants actually contribute to their quality of life and wellbeing, as they do mine, both astheically and through the produce shared among them and other tenants.

The plants removal would present an imposition on the quality of life one might reasonably expect as a DCC tenant and would be resisted by action in the Tenancy Tribunal, both by me and I am led to believe by the other upstairs tenants.

Your identifying me as the sole owner of the plants, your failure to approach me in person in the course of any inspection and the fact that access is not in fact impeded inclines me to suspect that you have not carried out a visit but are reacting in response to a complaint from a down stairs tenant. It must be said that both I and other upstairs residents have been the victim of a number of spurious, indeed, vexatious complants in this context from one person who is patently obsessive and neurotic about noise on the roof above him comprising the upstairs utility and recreation area, rightfully ours to use reasonably. These in the past have comprised of grievances about clothes pegs being dropped, young grand children playing briefly outside and even cats walking noisily across the area . This person was responsible for the removal for a time of the clothes line used by all upstairs tenants, now I am pleased to say replaced. We all seek to reduce any imposition upon him, myself even to the point of hanging out the washing in my socks! If that is indeed the source of the present problem I respectfully suggest the solution would be to lay adequate insulation such as rubber matting as has been sought on many occasions, rather than detract from the quality of life of other residents

In any event I wish you a Merry Christmas and Happy New Year and trust this matter can be resolved amicably

Yours sincerely, Angus Fisk

Baxter Hunter

From: Sharron Tipa
Sent: Wednesday, 18 February 2015 03:27 p.m.
To: [REDACTED]
Cc: Baxter Hunter
Subject: RE: Angus Fisk - Planters at 827 Cumberland St

Dear Mr Fisk

Thank you for your email regarding the situation of your planters at 827 Cumberland St.

I wish to remind you that you rent a unit at 827 Cumberland St. You do not rent the balcony, stairs or grounds. These are the responsibility of the Dunedin City Council. The planters along the balcony walkway were a Health and Safety issue and needed to be removed so access was clear for any emergency that may take place on site .. The clothes drying area is for all tenants use and should be kept clear for all tenants to access the clothesline.

Please feel free to contact me should you have any further queries.

Sharron Tipa
Housing Manager
Dunedin City Council

-----Original Message-----

From: Angus Fisk [REDACTED]
Sent: Wednesday, 18 February 2015 3:12 p.m.
To: Sharron Tipa
Subject: Angus Fisk - Planters at 827 Cumberland St

I am writing in response to Mr Hunter's diplomatic and polite but firm directive to me on the 16 February 2015 that my pot planters on the upstairs landing of 827 Cumberland Street must be removed, and to the associated Council offer to establish

a garden for me at the foot of the front stairs. I firstly wish to thank you for that offer but decline it because:

a. A primary reason for establishing the planter garden is to provide access to fresh vegetables and herbs, (and the enjoyment of a garden) for the upstairs residents of 827 Cumberland with minimal inconvenience, and 'at their door' (Though down stairs residents are also welcome to use it). A garden at the foot of the stairs would require trips up and down the stairs defeating the object of the garden.

b. A garden at the foot of the stair would receive little sun and present difficulties in watering where as this is not the case on the landing.

I also challenge the Council directive to remove the planters because:

1. Your original directive to remove the plants stated the reason to be that the plants comprised a health and safety risk by obstructing access to the upstairs flats. This has been negated by moving the planters into the utility area where they present no impediment to foot traffic and comprise a constructive use of the available space to the benefit of all.

If there is still considered to be a health and safety issue I would be obliged if you would advise me of the specific rules or regulations of which I am seen to be in breach of all.

2. Mr Hunter yesterday stated that the problem is now concern that the placement of the planters will damage the membrane waterproofing the deck. He also stated that my neighbour's pot plants must be removed for the same reason.

Given that the waterproofing applied recently is identical to that already employed on the landing and that the neighbours pot plants have been on it for seven years or more with no damage what-so- ever being caused, this seems erroneous. In any event I have begun complying with your inspector's advice to place the planters in trays or raise them to mitigate any possible harm to the decking. This will be completed as soon as my recovery from recent surgery allows.

3. It is my understanding that the actual reason for requiring the removal of the planter garden from the upstairs landing is because of complaints of noise made tending it distressing a downstairs tenant. In response I state;

a. All upstairs tenants are well aware of the alleged problems of noise of activity on the landing disturbing that tenant which has in the past given rise to

- our clothes line being removed (but since replaced) because of the noise of our hanging out washing,
- complaints of the noise of visiting children upstairs, and even
- a complaint of a cat walking across the landing.

and we all seek to minimise any distress to that tenant. Whilst having considerable sympathy with this individual he himself acknowledges he is excessively sensitive to noise, something for which we upstairs tenants cannot reasonably be held responsible.

The Residential Tenancies Act 1986, provisions for quiet enjoyment of a tenancy (S.s 38 & 40) would seem to present a reasonable guide in this matter and I suggest that my planter garden falls within the ambit of my right to the quiet enjoyment of my tenancy while not interfering unreasonably with any other tenants similar rights, since any noise generated in tending the planters is negligible, comprising in the main of occasional hand planting, weeding or watering, in the course of which I make every effort to minimise any disturbance to others. The only exceptions to this have been the need to move the planters about, firstly for the painting of the premises and then into the utility area to comply with your requirement to maintain clear access of the walkways, both circumstances being beyond my control.

4. I am concerned that the Councils efforts to protect the rights of one individual's quiet enjoyment of his tenancy on the basis of his unreasonable complaints is in fact impinging on the rights of three other (upstairs) tenants right to the reasonable quiet enjoyment of theirs. The fact that the Council are seeking to address the problem obliquely by reference to health and safety issues and now property maintenance issues, while avoiding what is apparently the actual issue - alleged breaches of one individual tenant's quiet enjoyment of their tenancy at an unreasonable cost to myself and other tenants, might, I suggest be seen by any mediating body as bordering on harassment by the Council as set out in S.38 of the Residential Tenancies Act, 1986.

I suggest with all due respect to the Council, to whom I am deeply appreciative of for furnishing me with such excellent accommodation and service generally, that the proper way the address this issue would be to upgrade the sound insulation of the first floor deck of the premises to an adequate standard, rather than impinging on the rights of the upstairs tenants with cheap stop-gap, possibly unlawful (under S.38 & 40, Residential Tenancies Act, 1986), solutions possibly also contrary to S. 45 (1) (e) of the same Act.

Yours sincerely

Angus Fisk

Enquiries to:

Baxter Hunter

Direct phone:

474 3783

E-mail:

bhunter@dcc.govt.nz

19 March 2015

«Contact_Mailing_Name»

«Address»

«Address_cont»

«City» «Postcode»

Dear «Title» «Name»

COMMON AREAS AT 827 CUMBERLAND ST, DUNEDIN

On discussion with the Manager, City Property it has been decided that tenants will be permitted to have a chair and a pot plant situated at the entrance door to their unit should they wish.

All other pot plants are to be removed from the walkways and clothesline areas. These areas are common areas for all tenants and should be clear of personal belongings.

Yours faithfully

Baxter Hunter
Housing Officer

I:\property\letters\bh\2015\cumberland tenants.docx

REC IN FWA

Angus Fisk

Baxter Hunter
Housing Officer,
Dunedin City Council
PO Box 5045, Moray Place
Dunedin 9058

29/03/15

Dear Baxter,

Common areas at 827 Cumberland St, Dunedin.

Your letter of the 19 March 2015, restricting tenants to having one chair and one pot plant at their door, refers.

No personal offense intended but how Draconian! I have worked in prisons with a more liberal outlook to the well being of their residents. Does this mean that I have to remove the bench seat and small cupboard by my door, and my neighbour her seats and low table that have been there for seven years, and the other neighbour the storage unit he has there? (None of which impede access and all of which have passed countless Council inspections without adverse comment.) Do our visitors have to stand when we entertain outside? Is it permissible to hang our personal belongings on the upstairs clothesline?

These Council flats are a delight to live in, a credit to the Council and we are privileged to be tenants here. None the less I cannot help but feel the Council is exceeding its authority as landlord on this matter and I again ask on what statutory or regulatory basis the directive is promulgated.

The first reason given for the removal of the planters was that they were a health and safety concern as they impeded access. My request to be informed of the relevant regulation was ignored but none-the-less I complied and the planters were moved to the utility area where they posed no obstruction and could still be enjoyed by all tenants. Council then objected to this on the grounds that I was cluttering the clothesline (previously removed by Council for non specified reasons and re-installed only after objections by all upstairs tenants). When it was established that these persons supported the planter garden I was informed that it was damaging the deck membrane. This was disproven. One begins to suspect the Council's motives given the changing rationale behind their objections. More so since a rubber matting has now been laid in the area to reduce the noise to the down stairs tenant, a welcome move and in accord with my expressed suspicions as to the true reason behind the Councils objections to tenants' use of the utility area. (It is of note that, if my suspicions are correct, the downstairs tenant only ever wanted the upstairs walkway and utility area insulated properly to allow all tenants the quiet enjoyment to which they are entitled - the onus for this resting with the council.)

I must correct your reference to the planters as personal belongings. The planters and pots on our decking have now become common property, enjoyed by all upstairs tenants who share the aesthetic benefits and produce. (Council action now against all tenants would seem to affirm its recognition of this communal development.) They are open to all tenants to similarly enjoy. They in no way impede the usage of the common area, they indeed enhance it. Visitor comment is invariably positive. Given the 'green' policies espoused by the Council it is hard to understand why

it is so firmly opposed to their furtherance in this instance. One wonders too at what the public's reaction might be to this crushing of communal spirit.

I reiterate that before I proceed with the destruction of this now valued facility I would be obliged if you could furnish me with the specific statutory/regulatory source of Council authority on the matter and further, what provision exists within Council for the lodging of a complaint by a tenant, in accord with the Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014, Section 2 (b) (iii) or whether the Residential Tenancies Act 1986 and its Tenancy Tribunal provisions apply since the Council's less than straightforward dealings with me (and now other tenants) on the matter amounts in my view to harassment in accord with s. 38 (3) of that Act.

Yours faithfully

Angus Fisk

Enquiries to:

Baxter Hunter

Direct phone:

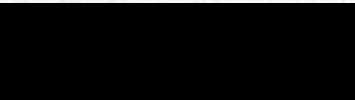
474 3783

E-mail:

bhunter@dcc.govt.nz

28 May 2015

Mr A Fisk



Dear Angus,

827 CUMBERLAND STREET: BALCONY AREA

This is to advise you that I will be visiting 827 Cumberland Street, with my work colleagues, on Tuesday 2 June 2015 to look at the upstairs balcony area. It would be appreciated if you could be there at 3.00 pm, in order that we may discuss the issues regarding this area.

If this is not a suitable time please contact me on 474 3783 to arrange another time.

Yours faithfully

Baxter Hunter
Housing Officer

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Record of Discussion

Property



DUNEDIN CITY
COUNCIL
Kaunihera-a-rohe o Otago

WITH		CONCERNING	
Customer Name:	Angus Fisk	Property Address:	[REDACTED]
Others Present:	Baxter Hunter	Known As:	
Recorded by:	Baxter Hunter	Date and time of discussion:	17/06/15
Recorded date:	18/06/15	File reference:	
Telephone: <input type="checkbox"/>	Counter: <input type="checkbox"/>	Site Visit: <input checked="" type="checkbox"/>	DCC Meeting: <input type="checkbox"/>

SUBJECT: [REDACTED] Cumberland St, balcony

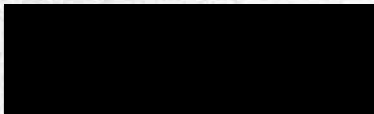
Talked to tenant regarding pots on balcony. He advised that he loves gardening, though recently he has become too ill to do much gardening. Explained to him the issue we had with the noise complaints from the tenant below in [REDACTED] Cumberland St and how this related to his wrap around garden in the clothes line area. Advised him that we wanted him to start moving these plants off the balcony clothesline area. He advised he was prepared to move some pots off the balcony down to his brothers, in flat [REDACTED]. This was about a 3rd of the plants (back row of pot plants) at this stage.

Though he really wanted to keep at least his herb plants for cooking on the balcony and grow some tomatoes over summer.

Asked him about the tools lying around on site in clothesline area and the plastic house behind flat [REDACTED], he advised these were [REDACTED] tools in flat [REDACTED] and plastic house was his brothers. Talked about the garden area under the stairs that was left for the tenants to use. He advised that he was working on this garden, though it didn't get much sun and a lot of plants would not grow well in this shady area.

16 September 2015

Mr A Fisk



Dear Mr Fisk,

14 DAY NOTICE TO REMOVE POT PLANTS OFF BALCONY WASHING LINE AREA

I am writing to let you know that you have not kept to your tenancy responsibilities by storing a number of pot plants on the upstairs balcony washing line area.

This letter is **not** an eviction notice. It is a notice giving you until **Thursday 8 October 2015** to remedy the situation by removing these pot plants off the upstairs balcony washing line area.

Yours sincerely

Baxter Hunter
Housing Officer

!:\property\departmental\letters\bh\2015\fisk 1609.docx

Grace Ockwell

From: Tracey Parker
Sent: Friday, 18 September 2015 11:31 a.m.
To: Council 2013-2016 (Elected Members)
Cc: Grant McKenzie; Kevin Taylor
Subject: FW: Unjust treatment of tenant by Council Housing Office [#550C9S]
Attachments: Response to order to remove planters.doc

Dear Councillors

Please find attached a letter addressed to you. This letter has been forwarded to the City Property Manager, Kevin Taylor, for consideration and action.

Thanks

Tracey

-----Original Message-----

From: "Angus Fisk" [REDACTED]
Sent: Friday, September 18, 2015 4:04 AM
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Unjust treatment of tenant by Council Housing Office

ATTENTION: THE CHAIRPERSON AND COMMITTEE - COMMUNITY AND ENVIRONMENT COMMITTEE, Dunedin City Council

I am a tenant in the Council flats at 827 Cumberland Street, Dunedin, and it should first be noted am deeply appreciative of the Council's provision of this home to me. However it is with regret I feel obliged to draw to your Committee's attention the unjust practices of the DCC Housing Office.

I reside in an upstairs flat at that address and since taking up the tenancy on the 13 June 2012 have established a planter garden on the balcony area there. This planter garden was found acceptable by your Housing Officers until the 14 December 2014. Thereafter objections to the planters were raised for a succession of apparently spurious reasons as set down in the attached letter dated 17 October 2015, on which dated I received in the post a letter from your Housing Office ordering the removal of the planters within 14 days on the grounds I "have not kept to my tenancy responsibilities". The manner in which I had failed in these responsibilities was not specified.

As set out in the attachment I had in my previous correspondence to the Council clearly stated that I would comply with the requests to remove the planters if Council would tell me the grounds and statutory authority of the Council for the request. They consistently failed to do so and are persisting in this stance. I was moved to seek the grounds and Council's authority given the succession of changing reasons proffered led me to believe I was being lied to and subjected to unwarranted harassment by the Housing Office for reasons unbeknown to me.

As I assert in the attachment the current course of action by Council ,

of denying a person the right to know the actual reasons and authority for acting against them, is simply contrary to natural justice and can only lead to judicial or public censure of the Council if it is continued whereas;

"All Council has to do is tell me I am considered in breach of rule "X" by doing "Y" and we can find a solution."

I write to you firstly because the Council Housing Office's lies throw the whole Council's integrity into question if such practices are condoned and secondly because it is improper, arrogant and unjust for Council to arbitrarily demand removal of the planter garden while refusing to tell me honestly in what way I am allegedly transgressing the terms of my tenancy and under what authority it is acting.

Finally, it is incomprehensible to me why the planter garden must go when as stated it is enjoyed by many, does no harm and in no way impedes use of the common utility area

I shall remove the planters, under duress, but if no satisfactory answers are forthcoming to my grievances will pursue the matter by other legal means. I am however loathe to do so because I am truly appreciative of the Council's provision of a home to me. On the other hand there are issues of Council conduct here that are unacceptable in the broader context.

Yours sincerely

Angus Fisk

If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited.

Grace Ockwell

From: Tracey Parker
Sent: Friday, 18 September 2015 01:25 p.m.
To: Council 2013-2016 (Elected Members)
Cc: Grant McKenzie; Kevin Taylor; Vivienne Harvey
Subject: FW: Unjust treatment of tenant by Council Housing Office (3) [#551030]
Attachments: common areas 827.doc; P1010177.JPG; P1010178.JPG

Please find attached further information from Mr Fisk regarding his letter of this morning.
Tracey


Tracey Parker
PA to Ruth Stokes, General Manager Infrastructure and Networks
Dunedin City Council

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax 03 474 3488
Email: tracey.parker@dcc.govt.nz; www.dunedin.govt.nz

 Please consider the environment before printing this e-mail

From: Dunedin City Council [<mailto:CUSTOMER.SERVICES@dcc.govt.nz>]
Sent: Friday, 18 September 2015 1:11 p.m.
To: Tracey Parker
Subject: FW: Unjust treatment of tenant by Council Housing Office (3) [#551030]

-----Original Message-----

From: "Angus Fisk" <>
Sent: Friday, September 18, 2015 12:36 PM
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Unjust treatment of tenant by Council Housing Office (3)

ATTENTION: THE CHAIRPERSON AND COMMITTEE - COMMUNITY AND ENVIRONMENT
COMMITTEE, Dunedin City Council
ATTENTION: THE CHAIRPERSON AND COMMITTEE - COMMUNITY AND ENVIRONMENT
COMMITTEE, Dunedin City Council

Please find attached the following documents in support of my complaint
made to the Committee earlier today:

Letter - Common area, dated 28 May 2015

Photos a. Planter garden in dispute, upper level utility area, 827
Cumberland Street (from left)
b. As above (from right)

Yours sincerely

Angus Fisk

If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited.

Sharron Tipa

From: Dunedin City Council <CUSTOMER.SERVICES@dcc.govt.nz>
Sent: Thursday, 17 September 2015 03:32 p.m.
To: Sharron Tipa
Subject: FW: Notice to remove pot plants [#55041P]

Dear Sharron

This was received via email/website. If this is not something you deal with, please let me know.

Regarding the LGOIMA request, I have submitted this through the website on the customer's behalf.

Thanks,

Peter Tomlinson
Customer Services Officer
Customer Services Agency
Dunedin City Council
50 The Octagon, Dunedin; PO Box 5045, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3366
Email: dcc@dcc.govt.nz; www.dunedin.govt.nz

-----Original Message-----

From: "Angus Fisk" - [REDACTED]
Sent: Thursday, September 17, 2015 2:58 PM
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Notice to remove pot plants

Attention Sharron TIPA, Housing Manager

Dear Ms TIPA,

Our previous correspondence on the planter garden at 827 Cumberland St and your letter of the 16 September refers. I today received your written order to remove the planters from the utility area of the Council flats at 827 Cumberland St. I question your authority to demand this since you still persist in refusing to inform me of the grounds and Council's authority for taking this action despite a number of requests from me to do so. The broad assertion that I "have not kept to my tenancy responsibilities" without stating in what way I have failed in them, or stating the relevant statutory authority for your actions, is insufficient. I have previously stated I would willingly comply with your requirement if I were informed of these but you chose to ignore me. I believe that is because no such grounds or authority exist. Furthermore I have in recent weeks complied with Mr Hunter's suggested compromise made at our last meeting and removed a third of the planters on the understanding that that met Council's requirements. Now I find this is not so affirming my belief your actions amount harassment.

The Council has not been honest with me in its dealings requiring me to remove these planters. The first letter I received from Council on the subject, dated 16 December 2014, stated that it was because they comprised a health and safety issue by blocking the access ways. Although this was not correct I complied with Council's direction by removing the planters from the access ways without argument, only to find the Council objections to the planters then change - as they have whenever challenged thereafter. The current rationale put forward is the planters are now in a common area which must be kept clear for common useage. This seems rather facile given that the planters are there by common consent and are enjoyed by all of the upstairs tenants - common usage in fact, (while still leaving ample space about the washing line Council also sought to deprive us of). Given that this is the fourth reason put forward to justify the removal the planters I do not think it unreasonable on my part to want to know the true grounds and authority for Council's objections before I remove something enjoyed by the majority here. More so since it has now been decreed that all tenants are to be permitted to have only one chair and one pot plant outside their flat; an excessive and punitive overreaction upon all because of one tenant's questioning Council's authority, it seems.

Because of Council duplicity in addressing this matter I am obliged to surmise the true reasons for its actions and can only assume that they arise from a downstairs resident having complained about noise from my tending the planter garden, which in turn leads me to conclude that the Council's oblique approach was well intentioned and motivated by the desire to protect the identity of the complainant. However, the need for confidentiality does not offer the Council license to lie. If such license is taken on these grounds then its veracity on all matters is subject to question - Council's integrity as a whole is challenged. It is simply unacceptable.

Please confirm or correct me on this assumption.

If it is the case I suggest that the correct and proper course would have been to have informed me that an un-named person had made a complaint about the garden, specifying the actual grievances raised. At least I would be appraised of the true nature of the problem and thus been able to address it directly instead of the charade that has eventuated, with Council arbitrarily demanding removal of the planter garden while refusing to tell me honestly in what way I am allegedly transgressing the terms of my tenancy by maintaining it.

The alternative is that for reasons unbeknown to me the Council is embarking on a vendetta against me, impairing the quality of my life as a tenant here by its harrassment. Again, if I have offended Council in some way I would be obliged if the concrete reasons could be spelled out so I could address them. I sincerely hope this option is incorrect but Council's manner of dealing with the issue does engender such suspicions.

The current course of action by Council , of denying a person the right to know the actual reasons and authority for acting against them, is simply contrary to natural justice and can only lead to judicial or

public censure of the Council if it continues. I would rather resolve our differences amicably if we could.

All Council has to do is tell me I am considered in breach of rule "X" by doing "Y" and we can find a solution. Then again Council could desist and leave me to the quiet enjoyment of my tenancy to which I am entitled.

My tending of the planter garden comprises perfectly reasonable usage of the facilities here with negligible disruption or inconvenience to other residents, as is my entitlement. The only tools used are a hand fork and trowel and a garden hose, the work entailing only occasional planting, hand weeding and watering, carried out at a reasonable time of day. Tending of the garden takes only a few minutes, usually only once a week and not at all for the past few months, other than my spending half an hour recently removing some of the planters as required by the Council last time we spoke. On that occasion a downstairs tenant complained to me about the noise of my hosing down the deck to tidy up, which took all of ten minutes, and was hardly a loud exercise. This person acknowledges himself that he is obsessive and overly sensitive about noise and whilst I do try to take that into account it is his intolerance that is completely unreasonable, not my actions. (I remind you that this is the person who stormed upstairs to complain about the noise of my cat walking across his roof.)

Contrary to Council's claims the planters are not in any way damaging to the property, nor do they comprise any health and safety risk, they are not intrusive and are enjoyed by all upstairs residents and visitors so to date the Council have failed to give a convincing reason why I should remove the planter garden. Council's ongoing efforts to have me remove the planters without good reason comprise harassment on its part and I wish it to cease.

PLEASE NOTE; I now formally request, in accord with the Local Government Official Information and Meetings Act 1987, copies of all Council records pertaining to this dispute, including earlier documentation relating to the arbitrary removal and subsequent replacement of the upstairs washing line from the common area where the disputed planter garden is now situated.

Yours faithfully,

Angus fisk

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Grace Ockwell

From: Tracey Parker
Sent: Friday, 18 September 2015 01:25 p.m.
To: Council 2013-2016 (Elected Members)
Cc: Grant McKenzie; Kevin Taylor; Vivienne Harvey
Subject: FW: Unjust treatment of tenant by Council Housing Office (3) [#551030]
Attachments: common areas 827.doc; P1010177.JPG; P1010178.JPG

Please find attached further information from Mr Fisk regarding his letter of this morning.
Tracey

Tracey Parker
PA to Ruth Stokes, General Manager Infrastructure and Networks
Dunedin City Council

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax 03 474 3488
Email: tracey.parker@dcc.govt.nz; www.dunedin.govt.nz

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From: Dunedin City Council [<mailto:CUSTOMER.SERVICES@dcc.govt.nz>]
Sent: Friday, 18 September 2015 1:11 p.m.
To: Tracey Parker
Subject: FW: Unjust treatment of tenant by Council Housing Office (3) [#551030]

-----Original Message-----

From: "Angus Fisk" [REDACTED]
Sent: Friday, September 18, 2015 12:36 PM
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Unjust treatment of tenant by Council Housing Office (3)

ATTENTION: THE CHAIRPERSON AND COMMITTEE - COMMUNITY AND ENVIRONMENT
COMMITTEE, Dunedin City Council
ATTENTION: THE CHAIRPERSON AND COMMITTEE - COMMUNITY AND ENVIRONMENT
COMMITTEE, Dunedin City Council

Please find attached the following documents in support of my complaint
made to the Committee earlier today:

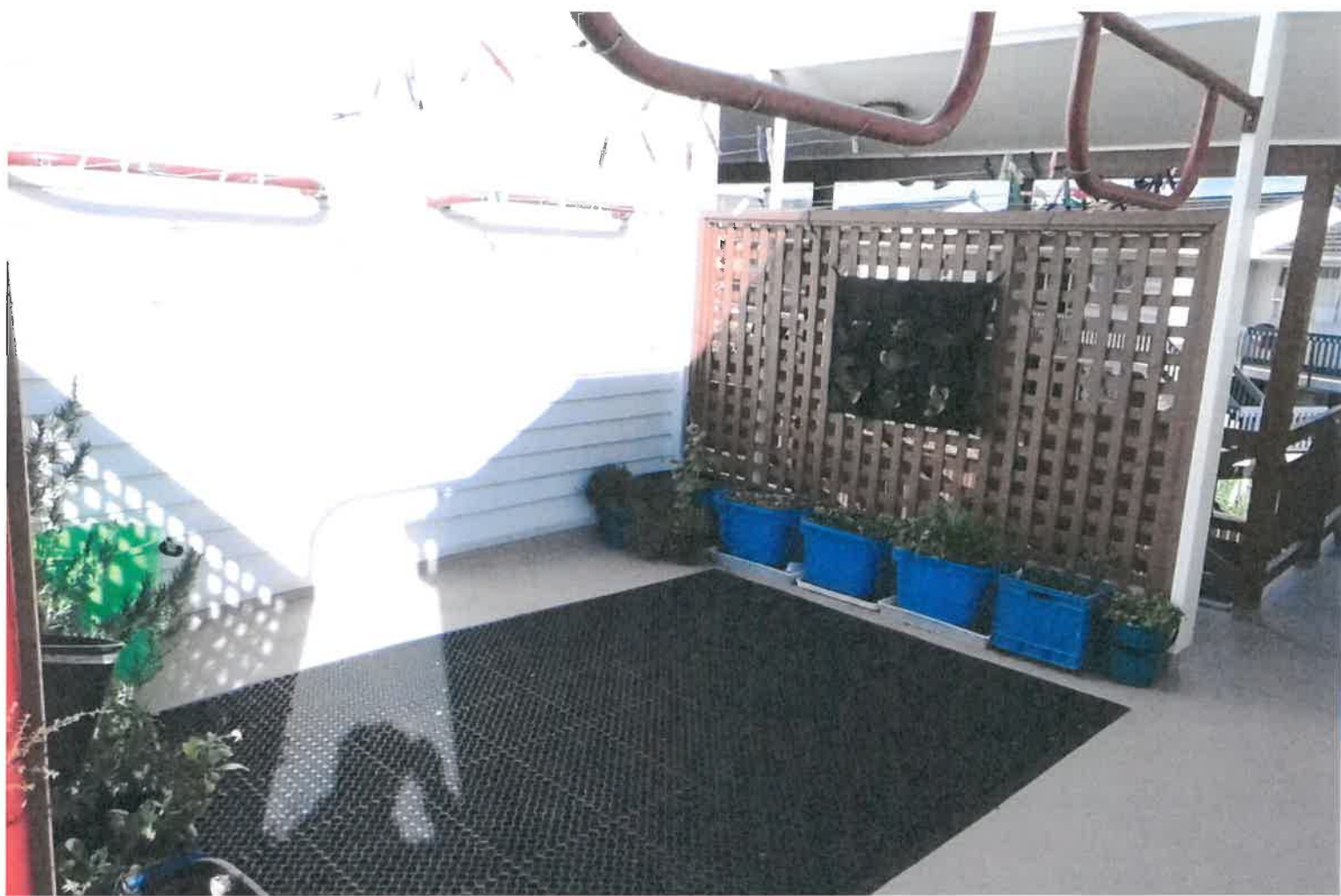
Letter - Common area, dated 28 May 2015

Photos a. Planter garden in dispute, upper level utility area, 827
Cumberland Street (from left)
b. As above (from right)

Yours sincerely

Angus Fisk

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Grace Ockwell

From: Jinty MacTavish
Sent: Monday, 21 September 2015 10:15 a.m.
To: [REDACTED]
Cc: Kevin Taylor; Vivienne Harvey
Subject: Patio issues

Dear Mr Fisk,

Thank you for your email, outlining concerns you have about the reasons for, and process around, a request to move items from your patio area.

We have sought feedback from our Property Manager, who explained the following:

- The patio you have your garden on is also the roof of the flat below. The patio garden and watering etc is damaging the roof membrane and causing leaks into the flat below, thus causing damage. Noise for the tenant below is also on occasion an issue.
 - I understand you have been offered another apartment so you can keep a patio garden at ground level and not cause nuisance or disturbance to other residents and not cause damage to the DCC flats.
 - Staff's view is that it is important that the tenants respect each others rights to a peaceful use of the flats, and whilst acknowledging your rights also feel you have a responsibility to respect other tenants rights and not do anything which causes damage.
 - I understand our Property Manager will arrange a visit this week to address the matter with you.
- Hopefully you will jointly be able to come to an agreement that suits all parties. Please feel free to get in touch again should you continue to have concerns and feel the matter is unresolved.

Kind regards,

Jinty MacTavish

Grace Ockwell

From: Dunedin City Council <CUSTOMER.SERVICES@dcc.govt.nz>
Sent: Monday, 21 September 2015 08:35 a.m.
To: Sharron Tipa; Vivienne Harvey
Subject: FW: Complaints Submission -519307 [#55162T]

Dear Sharron / Vivienne

This was received via email/website. If this is not something you deal with, please let me know.

Thanks,

Peter Tomlinson
Customer Services Officer
Customer Services Agency
Dunedin City Council
50 The Octagon, Dunedin; PO Box 5045, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3366
Email: dcc@dcc.govt.nz; www.dunedin.govt.nz

-----Original Message-----

From: "angusfisk@orcon.net.nz" [REDACTED]
Sent: Saturday, 19 September 2015 1:01 p.m.
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Complaints Submission -519307

Feedback submitted: 19 Sep 2015 1:01pm

Angus Fisk has made the following comments via the www.dunedin.govt.nz website:

ATTN: Chairperson and Committee, Community and Environment Committee. and Sharon Tipa, Housing Manager, DCC Dear Ms Tipa On the 29 March 2015 I requested that the Council furnish me with the specific statutory/regulatory source of Council authority on the matter of the requirement to remove the planters from my address and further, what provision exists within Council for the lodging of a complaint by a tenant, in accord with the Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014, Section 2 (b) (iii) or whether the Residential Tenancies Act 1986 and its Tenancy Tribunal provisions apply since the Council's less than straightforward dealings with me (and now other tenants) on the matter amounts in my view to harassment in accord with s. 38 (3) of that Act. I have also previously stated that were you to tell me of the specific grounds and relevant statute/regulation I would comply with your direction. You have chosen to ignore this and have now ordered my to remove the planters within 14 days. I can only conclude that either; a. these are no relevant grounds or authority, or b. you do not regard yourself as bound by the proper and formal processes in administering Council housing Is it Ms Tipa personally, or Council policy generally that consider that you can act as a law unto yourself and without explanation to bully tenants into compliance with your personal whims? Angus Fisk. 19/09/15

Response required: **Yes**

Phone number: 035521407

Sharron Tipa

From: Kevin Taylor
Sent: Thursday, 24 September 2015 06:04 p.m.
To: Vivienne Harvey
Subject: RE: Angus Fisk

Dear All,

I personally visited Mr Fisk yesterday 23/09/15 and spent about 45 minutes with him at around 4:00pm and then a further 45 minutes with the other resident [REDACTED] who lives under clothes line deck area. I believe I will have to revisit Mr Fisk next week.

They have fundamental differences of opinion between neighbours to resolve. Mr Fisk's behaviour with his pot plants is unacceptable and does create a nuisance for the other residents.

There is also a potential hazard in the event of fire as any resident rushing from the flats upstairs could potentially run into the planter tubs.

I also have concerns about the weight of the planter tubs on the structure. I am getting this checked. I explained all this to Mr Fisk and Dr Auke Schade. Mr Fisk accepted that my points may have some validity and he will await my response on the weight point.

I will revisit to get them talking together to find a "live with me" solution.

[REDACTED] Mr Fisk is now [REDACTED]

[REDACTED] actually causing damage to the flats. They are very lightweight timber construction and very susceptible to leaky building outcomes and his activities are exacerbating the problems. I do not believe it is reasonable to now invest a further \$15,000 in other mitigation methods which may not solve the problems and in fact will likely cause more property damage over time and only encourage even more plants and watering.

[REDACTED]

Mr Fisk gave me an undertaking (I did not ask for any) that he will not take the matter any further and appreciated my visit.


[REDACTED]

Regards

Kevin Taylor
City Property Manager
Dunedin City Council

DDI: 03 474 3730 | Mobile: 021 412 952
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3700
Email: kevin.taylor@dcc.govt.nz



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From: Vivienne Harvey
Sent: Thursday, 24 September 2015 4:57 p.m.
To: Kevin Taylor
Subject: Angus Fisk

Hi Kevin

In Grant's absence can you give Sue an update on your response to Mr Fisk. It appears he is bothered by the way we have talked to him etc re his planters and seeks an apology?
And his new flat offer.

Thanks
Vivienne

Vivienne Harvey
PA to the Chief Executive Officer
Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 474 3851; Mobile: 021 148 1912
Email: Vivienne.Harvey@dcc.govt.nz



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Sharron Tipa

From: Kevin Taylor
Sent: Monday, 28 September 2015 01:52 p.m.
To: Sharron Tipa; Grace Ockwell
Subject: RE: Notice to remove pot plants
Attachments: RE: Angus Fisk

Hello Grace,

As reported to the CEO last week I have personally met with Mr Fisk and the other neighbour in this long running matter [REDACTED] Thursday last.

Mr Fisk advised that he no longer wanted to "prosecute" the matter. However as advised I will need to visit again Mr Fisk to discuss a long term strategy because the current tub planters are not sustainable due to the damage they are causing to the property and the inconvenience to the neighbour below.

I propose to visit again this coming Thursday.

I believe it is appropriate to reply to Mr Fisk that Mr Taylor has visited and will visit again to find a long term resolution to the matter.

Regards

Kevin Taylor
City Property Manager
Dunedin City Council

DDI: 03 474 3730 | Mobile: 021 412 952
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3700
Email: kevin.taylor@dcc.govt.nz

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-----Original Message-----

From: Sharron Tipa
Sent: Monday, 28 September 2015 11:29 a.m.
To: Kevin Taylor
Subject: FW: Notice to remove pot plants

-----Original Message-----

From: Grace Ockwell
Sent: Thursday, 17 September 2015 3:32 p.m.
To: Sharron Tipa
Cc: Kristy Rusher
Subject: FW: Notice to remove pot plants

Hi Sharron,

Please would you forward me info to respond to this request. The last parag.

Many thanks

Grace

-----Original Message-----

From: Angus Fisk [mailto:angusfisk@orcon.net.nz]

Sent: Thursday, 17 September 2015 2:58 p.m.

To: dcc@dcc.govt.nz

Subject: Notice to remove pot plants

Attention Sharron TIPA, Housing Manager

Dear Ms TIPA,

Our previous correspondence on the planter garden at 827 Cumberland St and your letter of the 16 September refers. I today received your written order to remove the planters from the utility area of the Council flats at 827 Cumberland St. I question your authority to demand this since you still persist in refusing to inform me of the grounds and Council's authority for taking this action despite a number of requests from me to do so. The broad assertion that I "have not kept to my tenancy responsibilities" without stating in what way I have failed in them, or stating the relevant statutory authority for your actions, is insufficient. I have previously stated I would willingly comply with your requirement if I were informed of these but you chose to ignore me. I believe that is because no such grounds or authority exist. Furthermore I have in recent weeks complied with Mr Hunter's suggested compromise made at our last meeting and removed a third of the planters on the understanding that that met Council's requirements. Now I find this is not so affirming my belief your actions amount harassment.

The Council has not been honest with me in its dealings requiring me to remove these planters. The first letter I received from Council on the subject, dated 16 December 2014, stated that it was because they comprised a health and safety issue by blocking the access ways. Although this was not correct I complied with Council's direction by removing the planters from the access ways without argument, only to find the Council objections to the planters then change - as they have whenever challenged thereafter. The current rationale put forward is the planters are now in a common area which must be kept clear for common usage. This seems rather facile given that the planters are there by common consent and are enjoyed by all of the upstairs tenants - common usage in fact, (while still leaving ample space about the washing line Council also sought to deprive us of). Given that this is the fourth reason put forward to justify the removal the planters I do not think it unreasonable on my part to want to know the true grounds and authority for Council's objections before I remove something enjoyed by the majority here. More so since it has now been decreed that all tenants are to be permitted to have only one chair and one pot plant outside their flat; an excessive and punitive overreaction upon all because of one tenant's questioning Council's authority, it seems.

Because of Council duplicity in addressing this matter I am obliged to surmise the true reasons for its actions and can only assume that they arise from a downstairs resident having complained about noise from my tending the planter garden, which in turn leads me to conclude that the Council's oblique approach was well intentioned and motivated by the desire to protect the identity of the complainant. However, the need for confidentiality does not offer the Council license to lie. If such license is taken on these grounds then its veracity on all matters is subject to question - Council's integrity as a whole is challenged. It is simply unacceptable.

Please confirm or correct me on this assumption.

If it is the case I suggest that the correct and proper course would have been to have informed me that an unnamed person had made a complaint about the garden, specifying the actual grievances raised. At least I would be appraised of the true nature of the problem and thus been able to address it directly instead of the charade that has eventuated, with Council arbitrarily demanding removal of the planter garden while refusing to tell me honestly in what way I am allegedly transgressing the terms of my tenancy by maintaining it.

The alternative is that for reasons unbeknown to me the Council is embarking on a vendetta against me, impairing the quality of my life as a tenant here by its harassment. Again, if I have offended Council in some way I would be obliged if the concrete reasons could be spelled out so I could address them. I sincerely hope this option is incorrect but Council's manner of dealing with the issue does engender such suspicions.

The current course of action by Council, of denying a person the right to know the actual reasons and authority for acting against them, is simply contrary to natural justice and can only lead to judicial or public censure of the Council if it continues. I would rather resolve our differences amicably if we could.

All Council has to do is tell me I am considered in breach of rule "X" by doing "Y" and we can find a solution. Then again Council could desist and leave me to the quiet enjoyment of my tenancy to which I am entitled.

My tending of the planter garden comprises perfectly reasonable usage of the facilities here with negligible disruption or inconvenience to other residents, as is my entitlement. The only tools used are a hand fork and trowel and a garden hose, the work entailing only occasional planting, hand weeding and watering, carried out at a reasonable time of day. Tending of the garden takes only a few minutes, usually only once a week and not at all for the past few months, other than my spending half an hour recently removing some of the planters as required by the

Council last time we spoke. On that occasion a downstairs tenant complained to me about the noise of my hosing down the deck to tidy up, which took all of ten minutes, and was hardly a loud exercise. This person acknowledges himself that he is obsessive and overly sensitive about noise and whilst I do try to take that into account it is his intolerance that is completely unreasonable, not my actions. (I remind you that this is the person who stormed upstairs to complain about the noise of my cat walking across his roof.)

Contrary to Council's claims the planters are not in any way damaging to the property, nor do they comprise any health and safety risk, they are not intrusive and are enjoyed by all upstairs residents and visitors so to date the Council have failed to give a convincing reason why I should remove the planter garden. Council's ongoing efforts to have me remove the planters without good reason comprise harassment on its part and I wish it to cease.

PLEASE NOTE; I now formally request, in accord with the Local Government Official Information and Meetings Act 1987, copies of all Council records pertaining to this dispute, including earlier documentation relating to the arbitrary removal and subsequent replacement of the upstairs washing line from the common area where the disputed planter garden is now situated.

Yours faithfully,

Angus Fisk

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Sharron Tipa

From: Kevin Taylor
Sent: Monday, 28 September 2015 02:00 p.m.
To: angusfisk@orcon.net.nz
Cc: Sharron Tipa
Subject: RE: Notice to remove pot plants [#55068E]

Hello Angus,

First thanks for talking time out to speak with me Thursday last. I enjoyed meeting you and thanks for the cuppa. I also visited the other resident Dr Auke Schade and discussed the matters of annoyance with him.

I propose that I meet again with you this week again on Thursday afternoon around 3:30pm if I may and if that is convenient to yourself.

I am concerned about the long term effect on the deck substrate long term and it is my considered opinion that the constant watering is damaging the paint work. I also agree with your point that the preparation was wanting and the correct material probably hasn't been used.

Nevertheless the constant hosing to wash down potting materials won't help. Also the wash over the side of the building is not helping the flat below. The windows are filthy from washed material drizzling down the side of the building. I am not happy about that continuing longer term as it will damage the walls cladding/veneer and ultimately get into the walls and cause damage.

The design and construction of the flats is not really conducive to what you want to do.

I would like to meet and talk about this longer term.


Please let me know if another Thursday appointment this week is satisfactory.

Regards

Kevin Taylor
City Property Manager
Dunedin City Council

DDI: 03 474 3730 | Mobile: 021 412 952
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3700
Email: kevin.taylor@dcc.govt.nz



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From: Sharron Tipa
Sent: Monday, 28 September 2015 11:29 a.m.
To: Kevin Taylor
Subject: FW: Notice to remove pot plants [#55068E]

FYI

From: Dunedin City Council [<mailto:CUSTOMER.SERVICES@dcc.govt.nz>]
Sent: Thursday, 17 September 2015 4:41 p.m.
To: Sharron Tipa
Subject: FW: Notice to remove pot plants [#55068E]

-----Original Message-----

From: "Angus Fisk" <[REDACTED]>
Sent: Thursday, September 17, 2015 4:40 PM
To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>
Subject: Notice to remove pot plants

Attention Sharron TIPA, Housing Manager

Further to my earlier message today -

Please advise me of the likely consequences of a failure to comply with Council's direction within the specified time frame.

Angus Fisk

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Kevin Taylor

From: Angus Fisk [REDACTED]
Sent: Friday, 2 October 2015 12:52 p.m.
To: Kevin Taylor
Subject: RE: Notice to remove pot plants [#55068E]

On 2015-10-01 15:58, Kevin Taylor wrote:

> Hello Angus,
> Last one from me.
> I regret deeply that you have felt harassed. That outcome I am
> addressing with my staff. We will endeavour to learn from this and
> make sure that tenants are dealt with honestly and frankly and
> respectfully in future.
> Angus, your point re charges. There are none. I respect that this is
> how you have understood the communications from DCC. I acknowledge
> the Housing staff have not dealt with you in a manner with which you
> have understood the problem and worked together to find the optimal
> solution. However there are no charges and you have not committed any
> offence or misdemeanour or anything remotely resembling that.
> As I discussed on my visit the real matter is trying to understand the
> tub gardens and how we best provide that facility and amenity to you
> without compromising other tenants quiet enjoyment. I have outlined
> my view of the building above. It just is not suited to long term
> living uses like patio or tub gardens on the first floor because of
> its build and structure.
> There are absolutely no matters you have to "answer for". There is
> absolutely no risk to your tenancy and quiet enjoyment.
> All I ask is that there are no tubs or pots kept on the decks on the
> upper level. That furniture like tables and chairs are kept to a
> minimum like a chair or 2 outside to enjoy the sunshine and fresh air
> is perfectly sensible outside each flat's deck door. Beyond that again
> the buildings have just not been designed and built for al fresco
> living.
> I am more than happy to invest in a nice courtyard at ground level
> that residents can use for get togethers on a nice day.
>
> Can you confirm that you still require copies of all documents.
> In truth there is probably no more than the letters you have been sent
> but I need to review the file to see if there are other reports on the
> deck paint.
> I don't need technical reports myself. A waterbased paint on that
> particular substrate subjected to washing and hosing will last no time
> at all.
>
> Look forward to hearing from you.
> Regards
>
> Kevin Taylor
> City Property Manager
> Dunedin City Council
>
> DDI: 03 474 3730 | Mobile: 021 412 952
> 50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New

> Zealand

> Telephone: 03 477 4000; Fax: 03 474 3700

> Email: kevin.taylor@dcc.govt.nz

>

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> immediately, destroy it and do not copy, disclose or use it in any

> way.

>

>

> -----Original Message-----

> From: Angus Fisk [REDACTED]

> Sent: Wednesday, 30 September 2015 5:44 p.m.

> To: Kevin Taylor

> Subject: RE: Notice to remove pot plants [#55068E]

>

> On 2015-09-30 09:52, Kevin Taylor wrote:

>> Thanks Angus,

>> I am disappointed that we cannot meet again.

>> As I am a person who is direct and frank and honest I will advise you

>> now that I am, as property manager for the DCC, not happy with tub

>> gardens and pot plants etc being kept on the decks of that

>> construction. It is a motel style construction that frankly is not

>> totally suitable for long term residents. Why? Because the ply deck

>> material is going to always drum with activity above thus causing a

>> nuisance for the resident below. I recall that you and I are agreed

>> on that point. So until we find a suitable remedy that takes out the

>> drumming or we leave the flat below vacant or create a two bedroom

>> flat then it is unhelpful to have a tub garden above. On my

>> observation the wash from the deck doesn't always stay in the gutters

>> and there is clear evidence that the windows and walls are staining

>> from the wash water. Ultimately it will deteriorate the building

>> fabric and is also unpleasant for the resident below. If nothing

>> else each resident has a duty of care and consideration when living

>> in a complex such as the Cumberland St property. The tub garden

>> activity on that substrate is entirely inappropriate. Not a criticism

>> of you its more case that we need to understand what activities you

>> want to undertake as a resident and make sure the home we provide

>> facilitates these activities. The first floor on this particular

>> property is unable to provide the right structure as built for

>> keeping tub gardens. We are both agreed that spending large sums of

>> money on deck covering and insulation below are also not good use of

>> ratepayers funds unless we are assured that it resolves the problem.

>> That is far from guaranteed.

>>

>> In regards paint damage it is absolutely clear that the paint is not

>> subject to damage from hose washing whilst it is under the tubs etc.

>> However when the tubs are moved the cumulative effects of dampness

>> and subsequent washing causes the paint to lift. Again it is a case

>> of the substrate and paint not being built and applied in

>> anticipation of the use that tub gardens now subject it to.
>> The Housing staff have encouraged the use of the garden spaces at
>> ground level and I understand from you and my staff that you have
>> taken advantage of this including a type of glasshouse or hot house.
>> I trust that the community garden spaces at the property will provide
>> sufficient amenity until we can resolve the tub garden arrangements.
>>
>> I hope we can meet again and share a cup of tea and a yarn.
>>
>> I will put in place the necessary process to obtain the information
>> requested.
>>
>> Regards
>>
>> Kevin Taylor
>> City Property Manager
>> Dunedin City Council
>>
>> DDI: 03 474 3730 | Mobile: 021 412 952
>> 50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New
>> Zealand
>> Telephone: 03 477 4000; Fax: 03 474 3700
>> Email: kevin.taylor@dcc.govt.nz
>>
>>
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>> provides jobs for millions of men and women, and working forests are
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>> immediately, destroy it and do not copy, disclose or use it in any
>> way.
>>
>> -----Original Message-----
>> From: Angus Fisk [REDACTED]
>> Sent: Tuesday, 29 September 2015 6:08 p.m.
>> To: Kevin Taylor
>> Subject: RE: Notice to remove pot plants [#55068E]
>>
>> On 2015-09-28 17:08, Angus Fisk wrote:
>>> On 2015-09-28 14:00, Kevin Taylor wrote:
>>>> Hello Angus,
>>>>
>>>> First thanks for talking time out to speak with me Thursday last. I
>>>> enjoyed meeting you and thanks for the cuppa. I also visited the
>>>> other resident Dr Auke Schade and discussed the matters of
>>>> annoyance with him.
>>>>
>>>> I propose that I meet again with you this week again on Thursday
>>>> afternoon around 3:30pm if I may and if that is convenient to
>>>> yourself.
>>>>
>>>> I am concerned about the long term effect on the deck substrate
>>>> long term and it is my considered opinion that the constant

>>>> watering is damaging the paint work. I also agree with your point
>>>> that the preparation was wanting and the correct material probably
>>>> hasn't been used.

>>>>

>>>> Nevertheless the constant hosing to wash down potting materials
>>>> won't help. Also the wash over the side of the building is not
>>>> helping the flat below. The windows are filthy from washed material
>>>> drizzling down the side of the building. I am not happy about that
>>>> continuing longer term as it will damage the walls cladding/veneer
>>>> and ultimately get into the walls and cause damage.

>>>>

>>>> The design and construction of the flats is not really conducive to
>>>> what you want to do.

>>>>

>>>> I would like to meet and talk about this longer term.

>>>>

>>>> Please let me know if another Thursday appointment this week is
>>>> satisfactory.

>>>>

>>>> Regards

>>>>

>>>> Kevin Taylor

>>>>

>>>> City Property Manager

>>>>

>>>> Dunedin City Council

>>>>

>>>> DDI: 03 474 3730 | Mobile: 021 412 952

>>>>

>>>> 50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058,
>>>> New Zealand

>>>>

>>>> Telephone: 03 477 4000; Fax: 03 474 3700

>>>>

>>>> Email: kevin.taylor@dcc.govt.nz

>>>>

>>>> [1] [2] [3] [4]

>>>>

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>>>> to legal privilege. If it is not intended for you please reply
>>>> immediately, destroy it and do not copy, disclose or use it in any
>>>> way.

>>>>

>>>> FROM: Sharron Tipa

>>>> SENT: Monday, 28 September 2015 11:29 a.m.

>>>> TO: Kevin Taylor

>>>> SUBJECT: FW: Notice to remove pot plants [#55068E]

>>>>

>>>> FYI

>>>>

>>>> FROM: Dunedin City Council [mailto:CUSTOMER.SERVICES@dcc.govt.nz]
>>>> SENT: Thursday, 17 September 2015 4:41 p.m.
>>>> TO: Sharron Tipa
>>>> SUBJECT: FW: Notice to remove pot plants [#55068E]

>>>>

>>>> -----Original Message-----

>>>> From: "Angus Fisk" [mailto:angus.fisk@dcc.govt.nz]

>>>> Sent: Thursday, September 17, 2015 4:40 PM

>>>> To: "dcc@dcc.govt.nz" <dcc@dcc.govt.nz>

>>>> Subject: Notice to remove pot plants

>>>>

>>>> Attention Sharron TIPA, Housing Manager

>>>>

>>>> Further to my earlier message today -

>>>>

>>>> Please advise me of the likely consequences of a failure to comply
>>>> with Council's direction within the specified time frame.

>>>>

>>>> Angus Fisk

>>>>

>>>> -----

>>>>

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>>>> us immediately; you are warned that any further use, dissemination,
>>>> distribution or reproduction of this material by you is prohibited.

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>>>> Links:

>>>> -----

>>>> [1] <http://www.dunedin.govt.nz/>

>>>> [2] <http://www.facebook.com/DunedinCityCouncil>

>>>> [3] <http://twitter.com/DnCityCouncil> [4]

>>>> <http://www.linkedin.com/company/dunedin-city-council>

>>>>

>>>>

>>>> Dear Kevin,

>>>>

>>>> I am happy to meet with you on Thursday as you suggest.

>>>>

>>>> Two points meantime...

>>>>

>>>> - the advise I had previously from a Council contractor/inspector
>>>> examining the deck prior to the painting was that in his view the
>>>> planters probably protected the paint work. This is substantiated
>>>> to

>>>> a degree in that there is no paintwork lifting directly under where
>>>> the planters were.

>>>>

>>> -the wash off from watering the planters/cleaning the decks is all
>>> caught in the guttering along the side of the deck. None goes down
>>> the walls. And the only times it was necessary to hose the deck
>>> down was after moving the planters to accommodate the painters and
>>> to comply with the request to remove the planters.

>>>

>>> I do appreciate you keeping me informed and I;m certainly not
>>> looking to argue the point but it would be pleasant to retain
>>> something of a garden, much of which still remaining is the
>>> neighbours anyway and has been there for years with no adverse
>>> effect. I am confident we can sort the matter amicably on Thursday
>>> though,

>>>

>>> Cheers, Angus Fisk

>>

>>

>> Dear Mr Taylor,

>>

>> After further consideration I wish to decline another meeting with
>> you

>>

>> I have removed all my planters from the deck in the light of yet more
>> complaints I strongly challenge and there seems no point in further
>> discussion. From the succession of grounds for objection to a planter
>> garden put forward by the Council it is apparent to me that more will
>> emerge until the planters are gone, as they now have.

>>

>> I am now awaiting the documentation from my Information Act request
>> and will review my options as to pursuing a complaint of harassment
>> under the Residential Tenancy Act and/or Councils breach of S 23 of
>> the Bill of Rights when I receive that.

>>

>> Yours faithfully

>>

>> Angus Fisk

>>

>>

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>> us immediately; you are warned that any further use, dissemination,
>> distribution or reproduction of this material by you is prohibited.

>>

>

>

> Dear Kevin Taylor,

>

> Thank you for the time you have put into this and your detailed
> explanation of the unsuitability of a planter garden on my deck. I
> have given up on the garden; there being no pleasure in it now after
> months of Council denying me the right to know the actual nature of
> the charges against me and harassing me on false grounds.

>

> Angus Fisk

>

>

>

>

.

> _____

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> immediately; you are warned that any further use, dissemination,

> distribution or reproduction of this material by you is prohibited.

> _____

Dear Kevin,

Thank you for your email and the apology.

I meant the term 'charges' in the broadest sense of claims/allegations but very much appreciate your reassurance there will be no formal action. It was the succession of Council's changing objections to the planters, beginning with the health and safety claims that I found harassing and unjust as every time I felt I had addressed one another was conjured up.

Your previous message detailing how structural shortcomings resulted in my gardening on the deck disturbed other tenants I feel finally addressed the actual problem. I have already expressed my views on the oversensitivity of certain downstairs tenants but I am prepared to work with Council, within reason, in the difficult task of ensuring peaceful co-existence and quiet enjoyment of our respective tenancies.

You might wish to have relayed on that I expect others to do so too.

I would appreciate those documents still but rest assured I can see no reason now to pursue any case against the Council further.

Finally, thank you personally for the time effort and courtesy you have shown me.

