

## **ChristChurch Cathedral Demolition Allowed by Supreme Court**

The way has been cleared for the ChristChurch Cathedral to be demolished. The Court of Appeal in July issued a decision allowing demolition of the Cathedral (see <http://www.andersonlloyd.co.nz/christchurch-must-have-a-cathedral/>). The Supreme Court has just declined to grant to The Great Christchurch Buildings Trust ("TGCBT") leave to appeal that decision.

The Supreme Court considered that for leave to appeal to be granted, the issues concerned must be of general or public importance. The majority of the matters that the TGCBT wished to be heard on related to the interpretation of the particular trust instruments, and were accordingly not of general relevance (even for other historic buildings in Christchurch).

Lastly, the Court recognised that the underlying circumstances are of great general importance to the people of Christchurch. However, it was not satisfied that there was any indication that the Court of Appeal decision might be in error.

This brings this chapter of the litigation to a close. However, there is always a possibility that someone may decide to challenge the authority granted by the Historic Places Trust. The church also has to report back to the High Court concerning its consultation process. Barring any complications with these steps, the church property trustees will be able to proceed with their broad demolition plan (which we understand involves demolition to sill level), and will then have to consider their obligation to rebuild a cathedral on the site. The church has indicated a desire to have a new cathedral on the site within 10 years.

The case of the cathedral does, however, remain open – there is still litigation concerning whether the church property trustees can spend part of the insurance payment on the construction of the off-site Transitional Cathedral.