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## David and Lisa Thurin in court battle with Lionel Krongold over defective plumbing

Two of Melbourne's richest families are locked in a marathon legal saga over faulty plumbing in a case on which the state and federal Attorneys-General have weighed in.

Ashley Argoon [Follow](#)

 @ashargoon  2 min read August 18, 2023 - 11:00AM



Lionel Krongold's company Krongold Constructions built the Toorak home at the centre of the legal fight. Picture: Stuart McEvoy

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A \$3.5m building fight between two of Melbourne's richest families over burst plumbing in a Toorak mansion has entangled the state and federal Attorneys-General as it returns to Victoria's highest court.

David and [Lisa Thurin](#), the daughter of Chadstone half-owner and billionaire developer [John Gandel](#), have battled for a decade to recoup cash over defective plumbing in their home, built by Krongold Constructions which is headed by former rich-lister Lionel Krongold.

The marathon legal fight centres around water damage from busted pipes in 2012 and 2015, and who should bear responsibility – the construction company, the architect or the hardware supplier.

Five years after the case was lodged in VCAT, it was brought before a full bench of Supreme Court judges in the Court of Appeal on Thursday, where the panel was effectively asked whether the saga should continue.



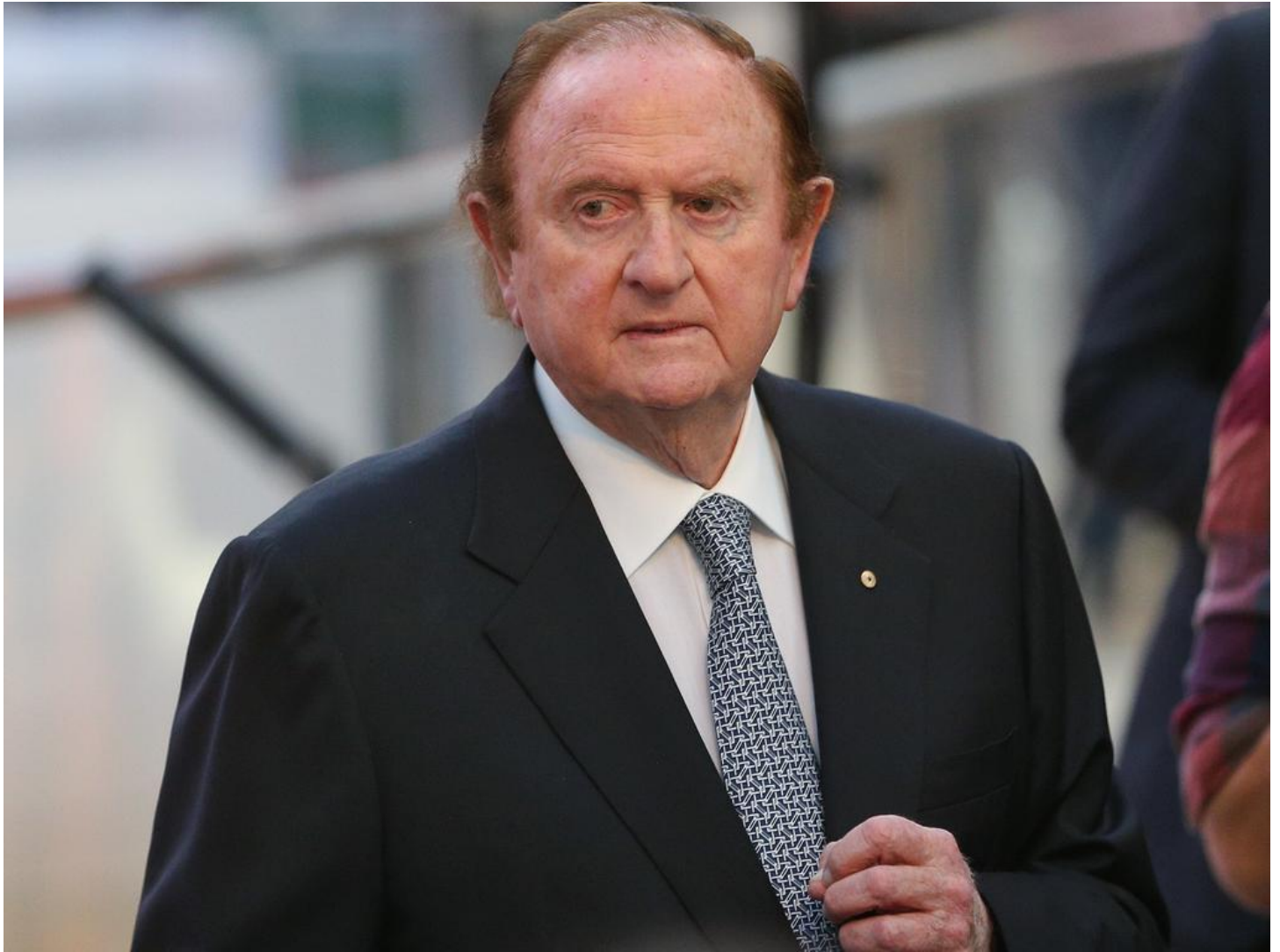
Lisa and David Thurin have battled for a decade to recoup cash over defective plumbing.

The judges gave their tick of approval, finding in favour of the Thurins on a legal technicality that even the State Attorney-General Jaclyn Symes and her Commonwealth counterpart Mark Dreyfus weighed in on.

It comes after their building dispute was sent up from VCAT to the Supreme Court because it contained claims under federal law, with Krongold then arguing the whole case needed to be refiled and started afresh in the new jurisdiction.

But that would have essentially meant scrapping the entire case, given the 10-year limit to bring the action would have already expired.

The Thurins, who argued against this, were backed in by Victorian Attorney-General Ms Symes, who decided to intervene.



The daughter and son-in-law of Chadstone half-owner John Gandel are involved in the legal stoush over burst pipes at their home. Picture: Hamish Blair

Mr Dreyfus, also an intervener, made “helpful submissions”, according to court documents.

The Court of Appeal handed down its decision over the technicality on Thursday morning, ruling that it was “not necessary” to file a fresh initiating process, meaning the long-running dispute could carry on.

However, the court also ruled that Casper Architecture and Swan Hardware weren’t a party to the case because the tribunal had no jurisdiction to add them.

The decision was the latest in the years-long saga that started in 2006, with the Thurins hiring Krongold Constructions to build their dream home on Toorak’s prestigious Whernside Ave.

The building works were understood to have cost more than \$10m.

Within just four years of moving in, pipes began to burst – water leaks in the billiard room and the lawn’s irrigation system reportedly cost \$3.5m to fix, with \$200k spent on moving damp items to storage.

Now, the heavily litigated fight has rewritten the rules around VCAT thanks to an earlier Court of Appeal ruling.

Under the “Krongold decision”, which invoked the Commonwealth Trade Practices Act, the tribunal has become powerless when federal law comes into play, impacting current and future building disputes across the state.

And now, the saga continues.

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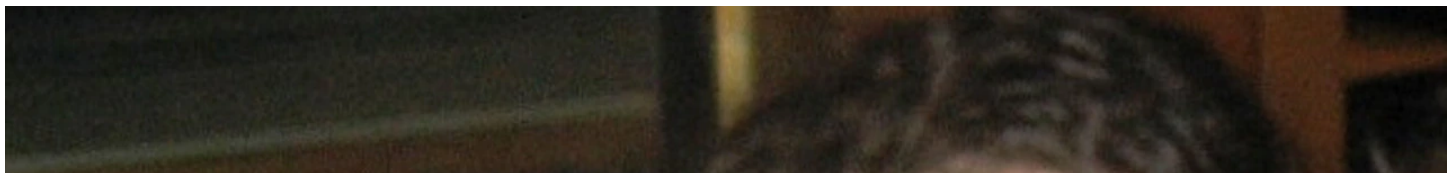
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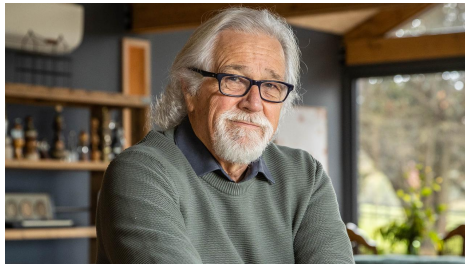
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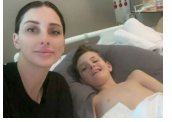
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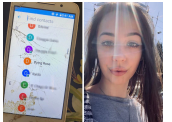
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