



## Locating parties to your WHRS claim

Your eligibility report does not give the assessor's opinion as to who may be parties to the claim. This information sheet provides you with advice on how to identify potential parties.

### WHO SHOULD BE A PARTY?

After your WHRS claim has been decided as eligible you must then decide who you believe is a 'party' to the claim. 'Party' means the people or businesses you think may have some liability in your WHRS claim. There needs to be good reason for naming someone as a party. Parties are called 'respondents' in the adjudication process. You also have to decide what/how much you are claiming from each party.

Generally parties are those people or businesses you think are responsible for the building work that has caused leaks. However, in some cases there may be liability with others associated with the property, such as pre-purchase inspectors or previous owners. You will need to provide evidence as to why the party is liable. You may wish to take legal advice to help you name parties and to clarify what you are claiming from each party.

### HOW DO I FIND THEM?

There are various places where you can find out who undertook specific aspects of the construction on your house.

- 1 Check your local council's file on your property. This can be requested from the council for a fee. Check with your claims advisor first as they may have obtained a copy of your file to confirm your eligibility. The documents to check are:
  - the building consent for the names of the builder, designer and so on
  - other documents, such as correspondence or product specifications, for reference to specific products or contractors

- copies of plans for the name of the designer and so on. You will also need to be aware that the people listed on the council documents may not necessarily be the people who undertook the work, but this is a good place to start. The person who filled in the building consent should know who was involved.

- 2 Contact people listed in the council documents and anyone else who was involved. Start with the main contractor/builder. Others involved can include the plasterer, waterproofer, tiler, roofer etc. This is not a complete list of possible liable parties and is provided only as an example. Each claim is different.
- 3 Contact the previous owner and/or the original owner of the house if you are still unsure about who was involved in building it. They may remember or may have documents from its construction. You can find out the original owner by obtaining a historical certificate of title. Your claims advisor can help you with this.

Having identified the parties, you need to find their current address and phone number. Here are some places to start.

- Check the White and Yellow Pages ([www.whitepages.co.nz](http://www.whitepages.co.nz) or [www.yellowpages.co.nz](http://www.yellowpages.co.nz)). It is easiest to search the internet versions as you can search the entire country. Alternatively, your library or your local post shop may have copies of other phone books.
- Check the companies register on the internet ([www.companies.govt.nz](http://www.companies.govt.nz)) as it will list an 'address for service' of a company. You can search for individuals as directors and for shareholders. The register will tell you the current status of the company. If it has been struck off the register, you cannot pursue it as a party. If it is in liquidation, you need to contact the liquidator. You can discuss this further with your claims advisor.

- Check electoral rolls for individuals. These are available at your local library or post shop. The rolls for each electorate list individuals by name, address and occupation.
- Search the internet for the party by using a search engine such as Google.
- If you know the party is overseas and have an idea where, search foreign phone book listings on the internet. The address for the Australian White Pages, for example, is [www.whitepages.com.au](http://www.whitepages.com.au)
- Ask your claims advisor to search the Land Information New Zealand 'land online' database to check whether the party owns any property in New Zealand.

If you have any questions about identifying parties or any other aspect of the process, call your claims advisor on 0800 324 477. Further information is also available on our website at [www.dbh.govt.nz](http://www.dbh.govt.nz)