



Application to bring a WHRS claim under the Weathertight Homes Resolution Services Act 2006 for a multi-unit complex

Applications are made to Weathertight Services in the Department of Building and Housing (the Department).

The following information is addressed to the representative, authorised by the owners of the units, who will be making the WHRS claim and completing the claim form.

Information on how your WHRS claim may be progressed is set out in the booklet *Bringing a WHRS claim under the Weathertight Homes Resolution Services Act 2006: Information for owners or representatives of multi-unit complexes*.

It is important that you have already read that booklet, so you know how the process works and how Weathertight Services can help you. If you do not have the booklet, you can get a copy on our website at www.dbh.govt.nz or from our call centre on 0800 324 477.

It is also important that you read and understand the following information before completing the claim form, because your WHRS claim cannot be processed without all the required information, authorisations and signatures.

Do not use this claim form if you have a stand-alone house that is not within a multi-unit complex – that is, a house on a fee simple title. A separate claim form for stand-alone houses is available from our website at www.dbh.govt.nz or call centre on 0800 324 477.

WHAT IS A MULTI-UNIT COMPLEX WHRs CLAIM?

A multi-unit complex WHRS claim can be brought for:

- a group of units and common areas
- a group of units with no common areas
- common areas only if no units are affected
- a single unit only if no common areas or other units are affected.

If you claim for common areas only or for a single unit only and we become aware that other units or common areas are affected, your WHRS claim will be terminated as a claim for the whole complex would have to be brought.

There is a separate claim form that can be completed if you wish to bring a stand-alone complex WHRS claim. This type of WHRS claim is only for units or buildings in a multi-unit complex where no common areas are affected by leaking. It allows owners to group together by building rather than by complex.

Each WHRS claim type has a separate statutory declaration that must be completed and attached to the claim form.

WHAT CONSTITUTES A HOUSE OR UNIT?

The application uses 'house' or 'unit' to mean 'dwellinghouse' as defined in the Weathertight Homes Resolution Services Act 2006 (the WHRS Act).

Under the WHRS Act, a dwellinghouse:

- (a) means a building, or an apartment, flat, or unit within a building, that is intended to have as its principal use occupation as a private residence; and
- (b) in the case of a dwellinghouse that is a building, includes a gate, garage, shed, or other structure that is an integral part of the building; and
- (c) in the case of a dwellinghouse that is an apartment, flat, or unit within a building, includes a door, gate, garage, shed, or other structure that—
 - (i) is an integral part of the building; and
 - (ii) is intended for the exclusive use of the occupier of the dwellinghouse; but
- (d) does not include a hospital, hostel, hotel, motel, rest home, or other institution.

WHAT CRITERIA MUST BE MET TO BRING A WHRS CLAIM?

The criteria are as follows.

1. You must be appropriately authorised to bring the WHRS claim

For multi-unit complexes a representative must bring the WHRS claim on behalf of the owners. Authorisation of the representative is confirmed by a statutory declaration as required under the WHRS Act.

A statutory declaration is a written statement signed in the presence of a lawyer, justice of the peace, notary public or other person authorised to take a statutory declaration.

The number of owners who must agree to bring the WHRS claim is explained on page 3.

2. The WHRS claim property must be used as private residences

A private residence includes a unit rented to another person as a private residence.

A 'time-share' unit is not a private residence.

A unit principally used for commercial purposes is not a private residence.

A unit used for both residential and commercial purposes, but principally for residential purposes, will generally be considered a private residence.

Common areas are considered residential if they are part of the building the residential units are in and are intended principally for the use of the owners or occupiers of the residential units.

3. The WHRS claim property must have been built or altered within the last 10 years

Building or alteration work giving rise to the WHRS claim must have been completed within the 10 years immediately preceding the date your application is received by Weathertight Services.

The date built or altered will generally be taken to mean the date the WHRS claim property was habitable or the alterations were fit to be used. The date a code compliance certificate was issued will not necessarily be accepted as the built date. You may be required to provide further proof of the date the property was habitable, for example, when the power was connected.

Generally, alterations must have changed or modified the original design or construction of the building. Home maintenance and repairs are not necessarily considered as alterations.

4. The WHRS claim property must be or have been a leaky building

A leaky building in a multi-unit complex includes a unit and/or common areas into which water has penetrated as a result of any aspect of the:

- design
- construction
- alteration
- materials used in its construction or alteration.

This may include property that was leaking but has now been repaired. The water must have come in from the outside, not from internal sources such as plumbing leaks.

5. The WHRS claim property must have been damaged by the leaking

Evidence of this damage includes peeling paint, wallpaper or lino, visible presence of water, high moisture readings, musty smells, rotting wood, or staining. Provide as much detail of the damage as possible on the claim form.

If one or more individual units and common areas are affected, a WHRS claim must be brought for the whole complex with appropriate authorisations.

A WHRS claim can be made for an individual unit or common areas only when no other unit or common area is leaking or damaged.

WHO CAN BRING A WHRS CLAIM FOR PROPERTY IN A MULTI-UNIT COMPLEX?

An authorised representative must bring the WHRS claim.

For a WHRS claim that is for units and/or common areas:

- if the property is a unit title complex, the body corporate must be the representative that brings the WHRS claim
- if the property is a cross-lease complex, a nominated representative (eg, a lawyer, an owner, an expert) must bring the WHRS claim
- if the property is a company-share complex, the company must be the representative that brings the WHRS claim.

For a WHRS claim for a single unit only, the owner may bring the claim.

WHAT ARE THE CRITERIA FOR AUTHORISING A WHRS CLAIM?

Unless the WHRS claim is for a single unit, the claim must be brought by an authorised representative.

For multi-unit complex WHRS claims:

- if the WHRS claim involves unit property, the owners of 75 percent of the residential units in a multi-unit complex must authorise invasive testing of their unit
- if the WHRS claim involves common areas, 80 percent of those entitled to vote, or a lesser number allowed for in the relevant rules, constitution or memorandum of lease, must authorise the representative to make the claim and authorise invasive testing of common areas
- the appropriate statutory declaration must be completed by the authorised representative.

Single unit WHRS claims require only the signature of the owner and a statutory declaration that the owner is not aware of and has no reason to believe that there is damage to any other unit or to any common areas.

WHAT IS THE REPRESENTATIVE'S ROLE?

The representative performs the role of the 'claimant' on behalf of the owners who have authorised him or her.

- The representative completes the claim form.
- The representative will be the main point of contact with Weathertight Services. All documentation for the WHRS claim will be sent to the representative. The representative is responsible for providing copies of documents to the owners involved in the WHRS claim as appropriate.
- The representative is responsible for arranging access to the units and common areas for the assessor to undertake their assessment.
- The representative is responsible for keeping Weathertight Services informed of relevant events (eg, if a unit is sold).

WHAT DOES THIS WHRS CLAIM FORM AUTHORISE?

By bringing a claim under the WHRS Act the representative is applying for an assessment of the unit(s) and/or common areas that are part of the claim. Weathertight Services requires authorisation for an assessor to undertake all necessary testing to complete an assessor's report on the WHRS claim property. The claim form authorises this testing. The WHRS claim will be declined if this authorisation is not provided.

WILL INFORMATION ABOUT MY WHRS CLAIM BE MADE PUBLIC?

All information held by Weathertight Services and the Weathertight Homes Tribunal (the Tribunal) is subject to requests for information under the Official Information Act 1982. The fact that a WHRS claim has been brought is information that may be made available if requested.

Weathertight Services recommends that you do not provide any details beyond those requested in this form or send any other documents to us at this stage. If you do, they will become part of your WHRS claim file and may be provided to future parties to the claim or to the public if requested under the Official Information Act 1982. You will have an opportunity to provide further comment and documents at appropriate stages in the WHRS claim process.

Weathertight Services is required to notify the relevant council (territorial authority) when an application is brought, when a WHRS claim is confirmed as eligible or ineligible after assessment, and when a claim is closed or resolved. The council is then required to place this notification on the property file. The council will also record any building consents or code compliance certificates for repair work undertaken and completed.

Members of the public can view the council's property file. They can also buy a land information memorandum (LIM) report on the property, which would show this information.

Details of any mediation settlement are protected from release under the Weathertight Homes Resolution Services Act 2006.

HOW DOES WEATHERTIGHT SERVICES USE PERSONAL INFORMATION ABOUT THE WHRS CLAIM?

Weathertight Services seeks certain personal information about you, as the representative or owner, to enable your WHRS claim to be assessed and processed. This information is held in accordance with the Privacy Act 1993, but may be made available to other parties during the WHRS claim resolution process.

Weathertight Services also uses the information it gathers, in a non-personal form, for statistical purposes.

The personal information requested in the claim form – particularly the contact details for claimants, their agents or representatives – is important to the processing of WHRS claims. Claimants who do not provide adequate contact details risk delaying the processing of their claim.

You have a right to access personal information Weathertight Services holds about you, and you may request that it be corrected.

MORE INFORMATION

If you want further information about any aspect of the WHRS claims process:

- visit our website at www.dbh.govt.nz
- contact our call centre on 0800 324 477
- read our booklet, *Bringing a WHRS claim under the Weathertight Homes Resolution Services Act 2006: Information for owners or representatives of multi-unit complexes.*



(Weathertight Services use only) Case number:

WEATHERTIGHT SERVICES, DEPARTMENT OF BUILDING AND HOUSING
WHRS claim for a multi-unit complex under the Weathertight Homes Resolution Services Act 2006:
Application for an assessor's report

Please detach and fill in the form as fully and correctly as possible. Incomplete applications will be returned. This may delay acceptance of the WHRS claim, and in some cases affect eligibility.

If there is insufficient room on the form for requested details, please continue on another sheet (using the same format) and attach the additional sheet(s) to this form.

Please print clearly (preferably in CAPITAL letters). Use black or dark blue pen.

1. TYPE OF CLAIM		
<i>A statutory declaration is required to accompany this claim form specifying your type of ownership. The appropriate 'Stat Dec' number is listed beside each option. Please tick <input checked="" type="checkbox"/> the appropriate option:</i>		
Body corporate claim	for unit and common areas	<input type="checkbox"/> Stat Dec No 1
	for common areas only	<input type="checkbox"/> Stat Dec No 2
Company-share claim	for individual and common areas	<input type="checkbox"/> Stat Dec No 3
	for common areas only	<input type="checkbox"/> Stat Dec No 4
Cross-lease claim	for individual and common areas	<input type="checkbox"/> Stat Dec No 5
	for common areas only	<input type="checkbox"/> Stat Dec No 6
Single unit owner claim in a multi-unit complex	No common areas	<input type="checkbox"/> Stat Dec No 7
2. DETAILS OF UNITS IN COMPLEX		
Total number of units in the complex that are principally used as private residences		
Total number of units whose owners have authorised invasive testing of their unit		
3. ADDRESS OF THE COMPLEX TO BE ASSESSED		
<i>Fill in all relevant details below (mandatory fields are marked with an asterisk *).</i>		
Property/building name		
Unit number (if claim is for single unit only)		
*Street number(s)		
*Street name		
Rural delivery number		
Suburb (or district)		
*Town/city (or province)		

4. CLAIMANT DETAILS (COMPLETE THE MOST APPLICABLE)

a) Is the claim being made by a body corporate? (If not, select the next appropriate option – b, c or d.)

Name of body corporate:

Body corporate number:

Body corporate representative:

b) Is the claim being made by joint owners of a cross-lease property?

List the authorised representative (details of owners will be provided in the statutory declaration):

c) Is the claim being made by a single unit owner? (If the unit is held on trust, print the names of the trustees as listed on the certificate of title and attach a copy of the trust deed to the application. A claim on behalf of a company or trust must be appropriately authorised.)

List all owners of the unit:

d) Is the claim being made by a company in a company-share property?

Name of company:

Name(s) of company director(s)/authorised signatories:

5. CONTACT DETAILS OF THE AUTHORISED REPRESENTATIVE ('THE WHRS CLAIMANT')

Claims for multi-unit complexes (other than by a single unit owner) require an authorised representative to bring the claim on behalf of all the owners affected by the claim.

Authorisation is confirmed by a statutory declaration attached to this form.

Details of the authorised representative

*Fill in all relevant details below (mandatory fields are marked with an asterisk *).*

*Name	
Position/title (if relevant)	
Company/organisation/business (if relevant)	
Unit/flat number	
*Street number	
*Street name	
PO box or rural delivery number	
Suburb (or district)	
*Town/city (or province)	
Post code	
*Daytime phone number	
Cellphone number	
Email address	

Only provide an email address if you wish to receive correspondence via email.

6. CLAIM FOR ORIGINAL CONSTRUCTION OR SUBSEQUENT ALTERATIONS

Please tick to indicate what you are claiming for:

Claim relating to the original construction of the complex

Claim relating to subsequent alterations to the complex (please fill in 6a)

6a. ALTERATIONS

If your claim is for subsequent alterations to the complex, provide a brief description of the alterations (eg, added additional units to the complex).

7. DATE THE BUILDING(S) WAS BUILT OR ALTERED

Provide the date as fully as possible (at least month and year) beside the applicable option.

Date the building was originally constructed:

Date the building was subsequently altered:

8. DAMAGE TO THE BUILDING

Provide details as fully and accurately as possible about why you believe the building has been damaged as a result of it being a leaky building (eg, visible water, water damage, damp or musty smell, rotting, staining, peeling of paint, wallpaper or lino, visible structural damage). Complete these details even if repairs have been made. This information is essential to your claim.

10. REPAIRS

Have repairs already been undertaken?

Yes / No

or

Will repairs be undertaken in the near future?

Yes / No

(This information is used for operational reasons only and does not affect claim eligibility.)

11. USE OF THE UNITS

Are all units claimed for used principally as private residences?

Yes / No

15. AUTHORISATION FOR AN ASSESSMENT

I understand that by signing below I authorise the Weathertight Services' assessor and his/her nominated assistants to enter the unit(s) and common areas that are the subject of this claim to conduct an assessment of the condition of the unit(s) and common areas.
I also understand that by signing below I authorise invasive testing for assessment purposes.
I understand that the owner(s) on whose authority I am authorising assessment are responsible for final reinstatement of any temporary repairs.
(Weathertight Services will be unable to accept the claim if you do not agree to the above conditions.)

16. SIGNATURES

The authorised representative must sign this application form (or the owner(s) for a single unit WHRS claim).

Print name:

Signed: _____ Date: / /

Print name:

Signed: _____ Date: / /

Print name:

Signed: _____ Date: / /

Ensure you have attached the relevant statutory declaration and any additional sheets on which you have provided requested details.

Please send or courier your completed form to:

Weathertight Services
Department of Building and Housing
Level 6, 86 Customhouse Quay
PO Box 10-729
Wellington

or fax it to:
0800 116 189

OFFICE USE ONLY:

Case number: Date received: / /

Screened by:

Claim accepted: Claim declined: Date accepted or declined: / /