



Application to bring a WHRS claim under the Weathertight Homes Resolution Services Act 2006 for a stand-alone 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 owner(s) of the unit(s), who will be making the WHRS claim and completing the claim form.

Information on how the 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 and understood 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 from our website at www.dbh.govt.nz or call centre on 0800 324 477.

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

Do not use this claim form if the WHRS claim is for a stand-alone house that is not within a multi-unit complex or if there are common areas damaged in the multi-unit complex. Separate claim forms for these types of WHRS claim are available on our website at www.dbh.govt.nz or call centre on 0800 324 477.

WHAT IS A STAND-ALONE COMPLEX WHRs CLAIM?

A stand-alone complex WHRS claim can be brought for the following unit(s) within a multi-unit complex.

- One or more units that are each separate buildings with no common areas
- All units in a separate building with no common areas

The owners of all the units in each separate building must authorise the WHRS claim to be brought and invasive testing to be carried out.

If Weathertight Services becomes aware that there are common areas in the multi-unit complex that are affected, the stand-alone complex WHRS claim will be terminated, as a multi-unit complex WHRS claim would have to be made.

WHAT CONSTITUTES A HOUSE OR UNIT?

This 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. The WHRS claim must be brought by the authorised representative of the owner(s) of the unit(s) to which the claim relates

- If the WHRS claim is for a separate building containing several units, the owners of all the units in that building must authorise a representative (who may be one of the owners).
- If the WHRS claim is for a single separate building containing only one unit, the owner(s) of that unit may be the representative.

The authorisation to make the WHRS claim must be provided by a statutory declaration as required under the Weathertight Homes Resolution Services Act 2006. 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.

It is important that the owner(s) of each unit authorise the representative as appropriate to the form of ownership. If the owner is a trust or company, the authorisation must be made according to the requirements of the trust deed or company rules.

2. The unit(s) 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.

3. The unit(s) must have been built or altered within the last 10 years

Building or alteration work giving rise to the 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 unit 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 a unit 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 may not necessarily be considered alterations.

4. The unit(s) must be or have been a leaky building

A leaky building in a stand-alone complex includes a unit 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 a unit 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 unit(s) 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.

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 for the assessor to undertake their assessment.
- The representative is responsible for keeping Weathertight Services informed of relevant events, for example, if a unit is sold.

WHAT DOES THIS CLAIM FORM AUTHORISE?

By bringing a claim under the Weathertight Homes Resolution Services Act 2006 the representative is applying for an assessment of the unit(s) that are part of the WHRS claim. Weathertight Services requires authorisation for an assessor to undertake all necessary testing to complete an assessor's report on the unit(s). This claim form authorises this testing on behalf of the owners. The WHRS claim will be declined if this authorisation is not provided.

WILL INFORMATION ABOUT THE 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 the representative does not provide any details beyond those requested in this form or send any other documents to us at this stage. If any extra details or documents are provided, they will become part of the 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. The representative 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 for 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 the 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 the representative – is important to the processing of WHRS claims. Representatives who do not provide adequate contact details risk delaying the processing of the WHRS 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 stand-alone 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 the acceptance of the 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 sheet(s) to this form.

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

1. ADDRESS OF THE COMPLEX TO BE ASSESSED

*If there is more than one building in the claim, fill in a separate box for each building involved in the claim, listing the relevant unit numbers. Fill in relevant details below (mandatory fields are marked with an asterisk *).*

Complex name					
*Street number(s)					
*Street name					
Rural delivery number					
Suburb (or district)					
*Town/city (or province)					
Building 1	*Unit/flat number(s) (continue on another page if required)				
Building 2	*Unit/flat number(s) (continue on another page if required)				
Building 3	*Unit/flat number(s) (continue on another page if required)				

2. CONTACT DETAILS OF THE AUTHORISED REPRESENTATIVE ('THE CLAIMANT')

Claims for stand-alone complexes require an authorised representative to bring the claim on behalf of all owners. Authorisation is confirmed by the 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.

3. CLAIM FOR ORIGINAL CONSTRUCTION OR SUBSEQUENT ALTERATIONS

Please tick to indicate what you are claiming for.

Claim relating to the original construction of the building(s)

Claim relating to subsequent alterations to the building(s) (please fill in 3a)

3a. ALTERATIONS

If your claim relates to subsequent alterations to the building(s), please provide a brief description of the alterations in question (eg, added additional units to buildings).

4. DATE THE BUILDING 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:

5. 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.

6. REPAIRS

Have repairs already been undertaken?

Yes / No

or

Do you intend to undertake repairs in the near future?

Yes / No

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

7. USE OF THE UNITS

Are all units claimed for principally used as private residences?

Yes / No

8. INSURANCE (OPTIONAL QUESTION)

Does the complex or any of the unit owners have any form of home warranty insurance (eg, Registered Master Builders Federation or Certified Builders Association guarantees)?

Yes / No

Please specify below.

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

9. SALE OF THE UNITS OR WITHDRAWAL OF OWNER'S AUTHORITY	
By signing this form you are required to notify Weathertight Services (or the Weathertight Homes Tribunal if adjudication has been initiated) within 5 working days, in writing, if you become aware that any unit subject to the claim changes ownership or you are notified of the withdrawal of a unit owner's authority.	
10. STATUTORY DECLARATION	
The required statutory declaration is attached to this claim form.	Yes / No
11. AUTHORISATION FOR AN ASSESSMENT	
<p>I understand that by signing below I authorise the Weathertight Services' assessor and his/her nominated assistants to enter the unit(s) that are the subject of this claim to conduct an assessment of the condition of the unit(s).</p> <p>I also understand that by signing below I authorise invasive testing for assessment purposes.</p> <p>I understand that the owner(s) on whose authority I am authorising assessment is responsible for final reinstatement of any temporary repairs.</p> <p>(Weathertight Services will be unable to accept the claim if you do not agree to the above conditions.)</p>	
12. SIGNATURE	
<i>The authorised representative must sign this form.</i>	
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: <input type="radio"/>	Claim declined: <input type="radio"/>
Date accepted or declined: / /	