



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

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

Information on how your claim may be processed is available at [www.dbh.govt.nz](http://www.dbh.govt.nz) or you can phone 0800 116 926.

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

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](http://www.dbh.govt.nz) or you can phone 0800 116 926.

## WHAT IS A MULTI-UNIT COMPLEX CLAIM?

A multi-unit complex 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 claim will be terminated because a claim for the whole complex would need to be brought.

There is a separate claim form that can be completed if you wish to bring a stand-alone complex claim. This type of 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 whole complex.

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

## WHAT CRITERIA MUST BE MET TO BRING A CLAIM?

The criteria are as follows.

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

For multi-unit complexes a representative must bring the claim on behalf of the owners. Authorisation of the representative is confirmed by a statutory declaration as required under the 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. Statutory declaration forms are available on the Department's website [www.dbh.govt.nz](http://www.dbh.govt.nz)

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

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

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

See note A.

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

The claim property must have been built or altered within the 10 years immediately preceding the date your application is received by the Department.

See notes B and C.

### 4. Water has penetrated the claim property

Water must have 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.

See note D.

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

Damage is anything you can see or anything unusual that you think could be related to the claim property being a leaky building. This could be indicated by water stains, rotting carpet and musty smells.

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

A 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 CLAIM FOR PROPERTY IN A MULTI-UNIT COMPLEX?**

An authorised representative must bring the claim. See note E.

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

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

## **WHAT ARE THE CRITERIA FOR AUTHORISING A CLAIM?**

For multi-unit complex claims:

- if the 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 claim involves common areas, at least 80 percent of the persons entitled to vote (or a lesser percent if allowed for in the relevant body corporate rules, company constitution or memorandum of lease) must authorise the representative to make the claim and authorise invasive testing of common areas. Please note that if a body corporate has specifically adopted the new body corporate operational rules contained in the Unit Titles Act 2010, then the resolution authorising the body corporate to make a claim and authorise invasive testing of common areas must be in accordance with that Act (in most cases, this will be a special resolution passed by 75% of eligible voters)

- the appropriate statutory declaration must be completed by the authorised representative.

Single unit claims require only the authorisation 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.

## **WILL INFORMATION ABOUT MY CLAIM BE MADE PUBLIC?**

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

The Department 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 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 claim process.

The Department is required to notify the relevant council (territorial authority) when an application is brought, when a 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 THE DEPARTMENT OF BUILDING AND HOUSING USE PERSONAL INFORMATION ABOUT THE CLAIM?**

The Department seeks certain personal information about you, as the representative or owner, to enable your 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 claim resolution process.

The Department 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 claims. Claimants who do not provide adequate contact details risk delaying the processing of their claim.

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

### **NOTES:**

#### **Note A: What constitutes a unit?**

#### **What constitutes a private residence?**

The application uses 'unit' to mean 'house' as defined in the Weathertight Homes Resolution Services Act 2006 (the Act). Under the Act, a house:

- means any building, or any apartment, flat, or unit within a building, that is intended to have, as its principal use, occupation as a private residence; and
- includes any gate, garage, shed, or other structure that is an integral part of the building; but
- does not include a hospital, hostel, hotel, motel, rest home, or other institution.

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.

#### **Note B: Alterations**

An alteration is building work that results in a change or modification to the design, construction or materials of a unit.

Alterations can include building work to fix or repair something that is damaged or faulty, if this involves modification to the original design, construction or materials.

#### **Note C: Built date**

The date a multi-unit complex is built will depend on the particular circumstances of each case. These notes provide general guidance to help establish the 'built' date of a complex.

### **Building consent with code compliance certificate issued**

A complex will generally be considered built when it is completed to the extent required by the building consent.

Where building work under a building consent has proceeded in a timely fashion with regular inspections and a code compliance certificate issued, the built date is likely to be the date of application for code compliance certificate, or advice of completion of work, if followed by a successful final inspection. If the intended final inspection revealed problems, the built date is likely to be the date the last significant building work was completed prior to your complex passing its actual final inspection.

In some cases, significant delays in completing building work as per the building consent may be relevant in determining the built date. For example, a complex may be considered built where there is still outstanding work required by the building consent, if that work is minor and not related to the weathertightness of the complex.

Evidence of the timing of building work might include council inspection records (both the dates and the notes), and other evidence such as quotes or invoices for materials or labour.

### **Building consent with no final inspection; or no building consent obtained**

Where building work under a building consent has not progressed to a final inspection or issue of a code compliance certificate, or no building consent was obtained for the work, all available information will be relevant in determining the built date. Where no building consent was obtained, the council is unlikely to have records of the work unless there was a resource consent issue or a complaint received relating to the work.

The date a complex is first occupied may help establish the date by which significant work was completed. Other indicators may be dates of connections to utilities (check that the dates given are actual dates and not default dates for older connections) and dates of energy work certificates (gas and electricity).

#### **Note D: Evidence of damage**

Evidence of damage includes peeling paint, wallpaper or lino, visible presence of water, high moisture readings, 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 claim must be brought for the whole complex with appropriate authorisation.

#### **Note E: 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 the Department. All documentation for the claim will be sent to the representative. The representative is responsible for providing copies of documents to the owners involved in the 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 the Department informed of relevant events (eg, if a unit is sold).

**Note F: What does this claim form authorise?**

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

**Note G:** When the Department receives your application it will check whether an assessor's report has previously been prepared for a former owner of any unit in the complex. If there is an earlier report, and your claim is initially accepted, then the Act requires the Department to consider whether to approve the earlier report as suitable for the current claim.

**MORE INFORMATION**

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

- visit our website at [www.dbh.govt.nz](http://www.dbh.govt.nz)
- call 0800 116 926.



(Department use only) Case number: .....

## DEPARTMENT OF BUILDING AND HOUSING

### Claim for a multi-unit complex under the Weathertight Homes Resolution Services Act 2006: Application for an assessor's report

Please fill in the form as fully and correctly as possible. Incomplete applications will be returned. This may delay 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 additional sheet(s) to this form.

#### 1. TYPE OF CLAIM

*A statutory declaration is required to accompany this claim form specifying your type of ownership. These are available on our website [www.dbh.govt.nz](http://www.dbh.govt.nz). The appropriate 'Stat Dec' number is listed beside each option. Please tick  the appropriate option:*

Body corporate claim	for unit and common areas	<input type="radio"/> Stat Dec No 1
	for common areas only	<input type="radio"/> Stat Dec No 2
Company-share claim	for individual and common areas	<input type="radio"/> Stat Dec No 3
	for common areas only	<input type="radio"/> Stat Dec No 4
Cross-lease claim	for individual and common areas	<input type="radio"/> Stat Dec No 5
	for common areas only	<input type="radio"/> Stat Dec No 6
Single unit owner claim in a multi-unit complex	no common areas	<input type="radio"/> Stat Dec No 7

#### 2. DETAILS OF UNITS IN COMPLEX *see note A*

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	
Are all units claimed for used principally as private residences?	<input type="radio"/>

#### 3. ADDRESS OF THE COMPLEX TO BE ASSESSED

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

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. CLAIM FOR ORIGINAL CONSTRUCTION OR SUBSEQUENT ALTERATION**

Please tick  the appropriate option:

Claim relating to the original construction of the complex	<input type="checkbox"/>
Claim relating to subsequent alterations to the complex	<input type="checkbox"/> (please fill in 6a)

**4.a. 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). See note B.

--

**5.a. DATE THE BUILDING(S) WAS BUILT OR ALTERED**

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

Date the complex was originally constructed:	
Date the complex was subsequently altered:	

**5.b. ON WHAT BASIS HAVE YOU ESTABLISHED THIS DATE?**


**6. NAME OF THE COUNCIL (TERRITORIAL AUTHORITY) THAT ISSUED THE BUILDING CONSENT**

This information is used for operational reasons only and does not effect claim eligibility


**7. DAMAGE TO THE COMPLEX see note D**

*Provide details as fully and accurately as possible about why you believe the 'claim property or 'complex' 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.*

**8. REPAIRS**

*This information is used for operational reasons only and does not effect claim eligibility. Please tick  yes or no*

Have comprehensive repairs already been undertaken?	Yes <input type="radio"/> No <input type="radio"/>
And if not already repaired, do you have plans to undertake comprehensive repairs in the next three months?	Yes <input type="radio"/> No <input type="radio"/>

**9. 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:

<b>d) Is the claim being made by a company in a company-share property?</b>	
Name of company:	
Name(s) of company director(s)/authorised signatories:	
10. CONTACT DETAILS OF THE AUTHORISED REPRESENTATIVE ('THE CLAIMANT')	
<p>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.</p> <p>Authorisation is confirmed by a statutory declaration attached to this application. See note E.</p>	
Details of the authorised representative	
<i>Fill in all relevant details below (mandatory fields are marked with an asterisk *).</i>	
*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	
By providing an email address, you agree to receiving information sent via email to that address.	

<b>11. SALE OF THE UNIT(S)</b>	
I/we agree to notify the Department (or the Weathertight Homes Tribunal if adjudication has been initiated) within 5 working days, in writing, if any unit subject to this claim changes ownership or you are notified of the withdrawal of a unit owners authority.	<input type="radio"/> [tick here]
<b>12. STATUTORY DECLARATION</b>	
The required statutory declaration is attached to this application.	<input type="radio"/> [tick here]
<b>13. AUTHORISATION FOR AN ASSESSMENT see note F</b>	
I authorise the Department of Building and Housing 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.	<input type="radio"/> [tick here]
I agree to invasive testing for assessment purposes and assume responsibility for final reinstatement of any temporary repairs under taken by the assessor.	<input type="radio"/> [tick here]
(The Department will be unable to accept the claim if you do not agree to the above conditions.)	
<b>14. APPLICATION FOR APPROVAL OF PREVIOUS REPORT see note G</b>	
If an assessor's report has previously been prepared in respect of this complex, or any unit in this complex on application by a former owner, I request that this be approved as suitable for the current claim.	<input type="radio"/> [tick here]
<b>15. INDICATION OF INTENTION TO ACCESS THE WEATHERTIGHT FINANCIAL ASSISTANCE PACKAGE</b>	
Please tick if you intend to access the Weathertight Financial Assistance Package (subject to eligibility of your claim and meeting the contribution criteria).	<input type="radio"/> [tick here]
This is an indication of interest only and does not commit you to applying for or taking up the package.	

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

Please email this form to the Department of Building and Housing:

**[weathertight@dbh.govt.nz](mailto:weathertight@dbh.govt.nz)**

or send or courier your completed form to either:

Weathertight Services Group  
 Department of Building and Housing  
 PO Box 50287  
 Porirua 5240  
 or fax it to: (04) 237 9717

If emailing attachments separately, please clearly note property address.