



Application to bring a claim under the Weathertight Homes Resolution Services Act 2006 for a stand-alone complex

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

Information on how your claim may be progressed is also available at 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 the 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 claims are available from our website at www.dbh.govt.nz or call 0800 116 926.

WHAT IS A STAND-ALONE COMPLEX CLAIM?

A stand-alone complex 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

Please note: A stand-alone house on a cross lease title, is regarded as a stand-alone complex under the Weathertight Homes Resolution Services Act 2006.

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

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

WHAT CRITERIA MUST BE MET TO BRING A CLAIM FOR A STAND-ALONE COMPLEX?

The criteria are as follows.

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

- If the 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 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 claim must be provided 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 from our website at www.dbh.govt.nz

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 principally as a private residence

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

Please also see note A.

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

The unit(s) must have been built or altered within the 10 years immediately preceding the date your application is received by the Department.

Please also see notes B and C.

4. Water has penetrated the unit(s)

Water must have penetrated the unit(s), 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

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

Please also see note E.

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

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 any extra details or documents are provided, 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 for the property, which would show this information.

Details of any mediation settlement are confidential under the Weathertight Homes Resolution Services Act 2006.

NOTES:

Note A: What constitutes a house or unit? What constitutes a private residence?

This application uses 'house' or '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
- in the case of a house 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 house; but
- does not include a hospital, hostel, hotel, motel, rest home, or other institution.

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

Note B: Alterations

An alteration is building work that results in a change or modification to the design, construction or material of a house. Alterations can include building work to fix or repair something that is damaged or faulty, if it involves modification to the original design, construction or material.

Note C: Built date

The date a stand-alone 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.

Note E: What is the representative's role?

The representative performs the role of 'the claimant' on behalf of the owner(s) 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 for the assessor to undertake their assessment.
- The representative is responsible for keeping the Department informed of relevant events, for example, if a unit is sold.

Note F: Sale of unit(s)

If a unit is sold or the ownership changes (this may include transferring ownership to/from a family trust or company) this will affect the claim. If the claim is in relation to a single unit only, the claim will be terminated. If the claim includes several units, then the claim continues in respect of the other units, and the new owner(s) can be added to the claim.

Note G: What does this claim form authorise?

Bringing a claim under the Act is an application for an assessment of the unit(s). To carry out an assessment, the Department requires the owner's authorisation for an assessor to undertake all necessary testing to complete an assessor's report on the unit(s). The claim form authorises this testing. The claim will be declined if this authorisation is not provided.

Note H: When the Department receives your application it will check whether an assessor's report has previously been prepared for a former owner of the unit. 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
- call 0800 116 926.



(Department use only) Claim number:

DEPARTMENT OF BUILDING AND HOUSING

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 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.

Please print clearly (preferably in CAPITAL letters) and, where relevant, tick the appropriate boxes. Use black or dark blue pen.

1. USE OF THE UNIT(S)	
See note A Is the unit(s) used principally as a private residence? Yes <input type="radio"/> No <input type="radio"/>	
Complex name	
*Street number	
*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. CLAIM FOR ORIGINAL CONSTRUCTION OR SUBSEQUENT ALTERATIONS

See note B

Please tick to indicate what you are claiming for.

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

Claim relating to subsequent alterations to the unit(s) (Complete 3.a)

2.a. ALTERATIONS

If your claim is for subsequent alterations to the unit(s), provide a brief description of the alterations (eg, added third bedroom).

3. DATE THE BUILDING WAS BUILT OR ALTERED

See note C

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

Date the unit(s) was originally constructed:

Date the unit(s) was subsequently altered:

3.a. ON WHAT BASIS HAVE YOU ESTABLISHED THIS DATE?

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

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

5. DAMAGE TO THE UNIT(S)

See note D

Provide details as fully and accurately as possible about why you believe the unit(s) 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 comprehensive repairs already been undertaken? **Yes** **No**
 And if not already repaired, do you have plans to undertake comprehensive repairs in the next three months? **Yes** **No**
 (This information is used for operational reasons only and does not affect claim eligibility.)

7. ADDITIONAL INFORMATION ABOUT YOUR PROPERTY

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

What is the approximate size of the property?	Small (up to 120 sq m)	<input type="radio"/>
	Medium (120–200 sq m)	<input type="radio"/>
	Large (over 200 sq m)	<input type="radio"/>
How many levels does your property have?	Single storey – 1 level	<input type="radio"/>
	Two storey or split level – 2 levels	<input type="radio"/>
	Multi-levelled – 3 or 4 levels or part levels	<input type="radio"/>
	Multi-storey – 3 or more levels	<input type="radio"/>
Does your property have any of the following design features?	Dormer/roof windows	<input type="radio"/>
	Solid balustrade walls to decks or balconies	<input type="radio"/>
	Internal gutters	<input type="radio"/>
	Flat roof areas	<input type="radio"/>
	Other:	<input type="radio"/>



What is your property constructed from?	Solid concrete or block	<input type="radio"/>
	Timber frame	<input type="radio"/>
	Steel frame	<input type="radio"/>
	Other:	<input type="radio"/>
What type of cladding does the property have?	Plaster finish (stucco, EIFS, polystyrene)	<input type="radio"/>
	Fibre cement flat sheet	<input type="radio"/>
	Plywood	<input type="radio"/>
	Weatherboard (timber, plastic, fibre cement etc)	<input type="radio"/>
	Metal profiled cladding (corrugated)	<input type="radio"/>
Is there easy access around the building?	Easy access, flat and unobstructed	<input type="radio"/>
	Difficult access, steep or fenced off sections	<input type="radio"/>
Water damage	Has water entered your property through any light fittings or power points?	Yes <input type="radio"/> No <input type="radio"/>
	Is there any sign of mould in the interior of the house?	Yes <input type="radio"/> No <input type="radio"/>
How many decks or balconies does the property have?		
Approximately how far above the ground are the decks/balconies?		Meters
How are the decks or balconies supported?	Cantilevered	
	Posts	
	Other:	
Deck/balcony damage	Is there any obvious rotting?	Yes <input type="radio"/> No <input type="radio"/>
	Is there any obvious cracking?	Yes <input type="radio"/> No <input type="radio"/>
	Other damage to deck:	

8. 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

*Name	
Position/title (if relevant)	
Company/organisation/business (if relevant)	
*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.

9. SALE OF THE HOUSE OR WITHDRAWAL OF OWNER'S AUTHORITY

See note F

I/we agree to notify the Department (or the Weathertight Homes Tribunal if adjudication has been initiated) within 5 working days, in writing, that any unit subject to this claim is sold, or the ownership of the property changes or I/we are notified of the withdrawal of a unit owners authority.

[tick here]

10. STATUTORY DECLARATION

The required statutory declaration is attached to this claim form.

[tick here]

11. AUTHORISATION FOR AN ASSESSMENT

See note G

The owner(s) authorise the Department's assessor and their nominated assistants to enter the property to conduct an assessment of the condition of the unit(s).

[tick here]

The owner(s) agree to invasive testing for assessment purposes and assume responsibility for final reinstatement of any temporary repairs undertaken by the assessor.

[tick here]

The Department will be unable to accept your claim if you do not agree to this assessment taking place.

12. APPLICATION FOR APPROVAL OF PREVIOUS REPORT

See note H

If an assessor's report has previously been prepared in respect of this unit(s) on application by a former owner(s), I request that this be approved as suitable for the current claim.

[tick here]

13. INDICATION OF INTENTION TO ACCESS THE WEATHERTIGHT FINANCIAL ASSISTANCE PACKAGE

Please tick if you intend to access the Weathertight Financial Assistance Package (subject to eligibility of your claim and meeting the contribution criteria).

[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 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

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.