



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

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](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 the claim is for a house owned under a unit title, a cross lease title or a company share arrangement. Separate claim forms for these 'multi-unit complexes' is available from our website at [www.dbh.govt.nz](http://www.dbh.govt.nz) or call 0800 116 926.

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

The criteria are as follows.

### 1. You must own the house

Only the owner(s) of the house can bring a claim for a stand-alone house. Claims by trusts and companies as owners must be properly authorised.

### 2. The house must be used principally as a private residence

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

Please also see note A.

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

The house 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 house

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 house 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 house must have been damaged by the leaking**

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

Please also see note D.

### **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?**

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

This application uses 'house' 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 private residence includes a house rented to another person as a private residence.

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

A house 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 house. 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 house is built will depend on the particular circumstances of each case. These notes provide general guidance to help establish the 'built' date of a house.

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

A house 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 the house 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 house 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 house.

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 house 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: Agents and representatives**

The owner(s) can appoint an agent or representative to handle the claim.

If an agent is appointed, they can sign documents and make binding decisions on the owner's behalf. The owner(s) may wish to take independent legal advice before deciding whether to appoint an agent.

If a representative is appointed, they can perform only the administrative functions associated with the claim, including filling out this application.

#### **Note F: Sale of house**

If the house is sold, this will terminate the claim with the Department of Building and Housing. This may include transferring ownership to/from a family trust or company.

#### **Note G: What does this claim form authorise?**

Bringing a claim under the Act is an application for an assessment of the house. 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 house. 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 house. 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) Claim number: .....

## DEPARTMENT OF BUILDING AND HOUSING

### Claim for a stand-alone house 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 HOUSE

**See note A**

Is the house used principally as a private residence?

Yes  No

#### 2. ADDRESS OF THE HOUSE TO BE ASSESSED

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

\*Street number

\*Street name

Rural delivery number

Suburb (or district)

\*Town/city (or province)

#### 3. 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 house

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

#### 3.a. ALTERATIONS

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

**4. DATE THE HOUSE 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 house was originally built:

Date the house was subsequently altered:

**4.a. ON WHAT BASIS HAVE YOU ESTABLISHED THIS DATE?**

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

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

**6. DAMAGE TO THE HOUSE**

See note D

Provide details as fully and accurately as possible about why you believe your house 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.

**7. 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.)

## 8. 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 house?	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 house 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 house 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 house 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 house 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?	<b>Yes</b> <input type="radio"/> <b>No</b> <input type="radio"/>
	Is there any sign of mould in the interior of the house?	<b>Yes</b> <input type="radio"/> <b>No</b> <input type="radio"/>
How many decks or balconies does the house 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:	

**9. OWNER(S) NAME(S)**

Print the full names of all the owners of the house, as shown on the certificate of title.

- Include all first/given names and surname/family name(s).
- If the house is jointly owned, include all owners' names.
- If a company owns the house, print the name of the company in full.
- If the house is held on trust, print the names of the trustees as listed on the certificate of title.
- A claim on behalf of a company or trust must be appropriately authorised.

**If owned by individuals, fill in the following information.**

Name(s) of individual owner(s):


**If held on behalf of a trust, fill in the following information.**

Name of trust:

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Name(s) of trustees as listed on the certificate of title:


**If owned by a company, fill in the following information.**

Name of company:

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Name(s) of authorised signatories:


**10. AUTHORISATION OF OWNER(S)**

I \_\_\_\_\_ (full name) confirm that all owners have authorised the making of this claim  [tick here]

I am making this claim in my capacity as (tick one):    Owner     Agent     Representative

*If this claim is not properly authorised, this may delay the acceptance of the claim, and in some cases affect eligibility.*



## 11. CONTACT DETAILS OF THE OWNER WHO IS THE PRIMARY CONTACT

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

*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.

## 12. APPOINTMENT OF AN AGENT

Complete if applicable. **See note E.**

I/we confirm that the owners have appointed an agent to conduct the claim on their behalf. If the agent's authority is in any way subsequently revoked or limited, I/we will immediately notify the Department in writing.

[tick here]

### Details of appointed agent

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

*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.

### 13. APPOINTMENT OF A REPRESENTATIVE

Complete if applicable. **See note E.**

I/we confirm that the owners have appointed a representative to perform the administrative functions associated with the claim on their behalf. If the representative's authority is in any way subsequently revoked or limited, I/we will immediately notify the Department in writing.

[tick here]

#### Details of the appointed representative

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

*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	

Please provide an email address to enable rapid written correspondence. By providing an email address, you agree to receiving information sent via email to that address.

### 14. SALE OF THE HOUSE

**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, if the house that is the subject of this claim is sold, or the ownership of the property changes.

[tick here]

### 15. 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 house.

[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.

### 16. APPLICATION FOR APPROVAL OF PREVIOUS REPORT

**See note H**

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

[tick here]

### 17. 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](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.