



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

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

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 of stand-alone houses*.

It is important 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 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 the WHRS claim is for a house owned under a unit title, a cross-lease title or a company share licence. A separate claim form for these 'multi-unit complexes' is available from our website at www.dbh.govt.nz or call centre on 0800 324 477.

WHAT CONSTITUTES A HOUSE?

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

Under the WHRS Act, a dwellinghouse:

- 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.

WHAT CRITERIA MUST BE MET TO BRING A WHRS 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 WHRS claim for a stand-alone house. Claims by trusts and companies as owners must be properly authorised.

2. The house must be used as a private residence

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

A 'time-share' house is not 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.

3. The house 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 be the date the house 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 house 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 house must be or have been a leaky building

A leaky building means a house 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 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

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 DOES THIS CLAIM FORM AUTHORISE?

By bringing a claim under the WHRS Act you are applying for an assessment of your house. To carry out an assessment, Weathertight Services requires your authorisation for an assessor to undertake all necessary testing to complete an assessor's report on your house. The claim form authorises this testing. The WHRS claim will be declined if this authorisation is not provided.

CAN SOMEONE ELSE REPRESENT ME IN MY WHRS CLAIM?

You can appoint an agent or representative to handle your WHRS claim. They must sign the appropriate section of the claim form to confirm their acceptance of this role.

If you appoint an agent, they can sign documents and make binding decisions on your behalf.

If you appoint a representative they can perform only the administrative functions associated with your WHRS claim.

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 any extra details or documents are provided, 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 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 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 your contact details – is important to the processing of the WHRS claim. If you do not provide adequate contact details, you risk delaying the processing of your 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 of stand-alone houses*.



(Weathertight Services use only) Case number:

WEATHERTIGHT SERVICES, DEPARTMENT OF BUILDING AND HOUSING
WHRS 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). Use black or dark blue pen.

1. ADDRESS OF THE HOUSE ¹ TO BE ASSESSED	
<i>Fill in relevant details below (mandatory fields are marked with an asterisk *).</i>	
*Street number	
*Street name	
Rural delivery number	
Suburb (or district)	
*Town/city (or province)	
2. OWNER(S)' NAME(S)	
<i>Print the full names of all the owners of the house, as shown on the certificate of title.</i>	
<ul style="list-style-type: none"> • Include all first/given names and surname/family name(s). • If the house is jointly owned, include all owners' names (all joint owners must sign the claim form). • 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 and attach a copy of the trust deed. • A claim on behalf of a company or trust must be appropriately authorised. 	
<i>If owned by individuals, fill in the following information.</i>	
Name(s) of individual owner(s):	

1 This claim form uses 'house' to mean dwellinghouse as defined in the Weathertight Homes Resolution Services Act 2006 (see page 1).

<i>If held on behalf of a trust (attach a copy of the trust deed), fill in the following information.</i>	
Name of trust:	
Name(s) of trustees as listed on the certificate of title:	
<i>If owned by a company, fill in the following information.</i>	
Name of company:	
Name(s) of company director(s)/authorised signatories:	
3. CONTACT DETAILS OF THE OWNER WHO IS THE PRIMARY CONTACT POINT	
<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)	
*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	
<i>Only provide an email address if you wish to receive correspondence via email.</i>	

11. APPOINTMENT OF AN AGENT

If you want to appoint an agent to conduct your claim on your behalf, complete the following authority and have them sign their acceptance. All communications about your claim will then be sent to your agent.

You may wish to take independent legal advice before deciding whether to appoint an agent, as you will be giving the agent the right to sign documents and make binding decisions on your behalf.

I/we appoint [name of agent]
of
[organisation/address]
as my/our agent to conduct this claim on my/our behalf.

If I/we subsequently revoke or limit my/our agent’s authority in any way, I/we will immediately notify Weathertight Services in writing.

Details of appointed agent

*Fill in all 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	

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

Acceptance by the agent

I
agree to act as agent for the WHRS claim that is the subject of this claim form.

Signed: Date: / /

12. APPOINTMENT OF A REPRESENTATIVE

If you wish to appoint a representative to perform the administrative functions associated with your claim, complete the following authority and have them sign their acceptance. All communications about your claim will then be sent to your representative.

While a representative may perform administrative functions such as receiving correspondence and discussing the claim with Weathertight Services, they may not sign documents or make binding decisions on your behalf.

I/We appoint

[name of representative]

of

[organisation/address]

as my/our representative to perform the administrative functions associated with this claim on my/our behalf.

If I/we subsequently revoke my/our representative’s authority, I/we will immediately notify Weathertight Services in writing.

Details of appointed representative

*Fill in all 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	

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

Acceptance by the representative

I

agree to act as representative for the WHRS claim that is the subject of this claim form.

Signed: Date: / /

13. SALE OF THE HOUSE

By signing this form I/we agree to notify Weathertight Services (or the Weathertight Homes Tribunal if adjudication has been initiated) within 5 working days, in writing, if I/we sell the house that is the subject of this WHRS claim, or cease to be the owner of the house.

14. AUTHORISATION FOR AN ASSESSMENT

By signing this form I understand that I authorise Weathertight Services' assessor and his/her nominated assistants to enter the property to conduct an assessment of the condition of the house.

I also understand that by signing below I agree to invasive testing for assessment purposes and that I am responsible for final reinstatement of any temporary repairs undertaken by the assessor.

Weathertight Services will be unable to accept your WHRS claim if you do not agree to this assessment taking place.

15. SIGNATURE OF THE OWNER(S), OR AUTHORISED SIGNATORIES FOR A TRUST OR COMPANY

Print name:

Signed: _____ Date: / /

Print name:

Signed: _____ Date: / /

Print name:

Signed: _____ Date: / /

Ensure you have attached 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: / /

