



WEATHERTIGHT HOMES TRIBUNAL APPLICATION FORM FOR SINGLE DWELLING HOUSE CLAIMS

INSTRUCTION SHEET

The attached application form should be used for single standalone dwelling houses or for a transitional claim for a single unit within a multi-unit complex. There is a separate application form for multi-unit claims bought under the 2006 Act.

Please read the Chair's Directions for Single Dwelling House Claims before completing this form. You can view these and other information on the Tribunal's web-site at www.justice.govt.nz/tribunals/whl or get it from WHT Registries. You can also obtain assistance in completing the application form from your Weathertight Services Group claims advisor with the Ministry of Business, Innovation and Employment.

It is important that your claim is sufficiently detailed so that the claim can proceed to mediation and / or hearing without significant change. In general this will mean that the amounts of money you are claiming and the other orders you seek are detailed in the application. It is also important that your application contains sufficient detail in relation to:

- the damage to your property,
- the causes of it, and
- the basis or grounds of your claim against each respondent so that each respondent can understand, and respond to, the claims and the specific allegations made against them

Appendix 1 of the Application Form outlines the information you are required to provide.

Please complete all relevant parts of the attached form including details of claim as outlined in appendix 1, sign a copy of the completed form and file it with the related documents by courier, post or personal delivery to:

Weathertight Homes Tribunal
Level 6 – Auckland District Court
69 Albert Street, Auckland, 1010
DX CX10072 Auckland

N.B

- 1. Please do not arrange service on the respondents until you have received confirmation that your application is accepted for registration with the Weathertight Homes Tribunal. The Tribunal Case Manager will arrange service on all respondents on request by claimants.**
- 2. All applications must be accompanied by a document setting out the particulars of claim in accordance with Appendix 1.**
- 3. Please follow guidance notes on the next page**



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Guidance notes for completing application form

Note 1(section 1)

In order to file a claim with the Tribunal you must be the owner of the property (see section 60 Weathertight Homes Resolution Services Act 2006). You must include the full legal name/s of the owner/s in section 1:

- If the dwelling is jointly owned, include all owners' names, and ensure all joint owners sign the application.
- If a company owns the dwelling, please include the full legal name of the company.
- If a trust owns the dwelling the application should be completed by the trustees, e.g. John Brown and Jane Brown as trustees for the Brown Family Trust.
- If a partnership owns the dwelling please include the full names of all the partners.

Note 2(Section 2 – dwelling type)

A multi-unit complex is a complex that contains two or more dwelling houses, and includes cross leased properties, unit title complexes and company share complexes. Stand-alone dwellings may still be part of a multi-unit complex. For example a house on a cross-leased section may be considered to be part of a multi-unit complex under the Act. There are restrictions on single unit holders in multi-unit complexes filing claims with the Tribunal if other units in the complex are also leaky homes. In addition claims filed after 1 April 2007 by unit owners in multi-unit complexes can generally only be filed as a representative claim by the duly authorised representative of the complex.

Note 3(Section 3)

You must include the full legal names and addresses of all the parties or respondents you wish to bring a claim against. (Refer to note 1 on the correct way of naming parties.) If there are parties you would like to include in your claim but you have been unable to identify them, you may note this in the application by, for example, stating “unidentified roofer who installed the roof” as a potential party. Please ensure this information is placed after the known respondents.

Note 4 (Appendix 1)

Every application for adjudication must include or have attached to it the particulars of claim covering all the information in Appendix 1.

You need to provide enough information so that all respondents can understand why you are bringing the claim against them. This should include information on both the legal and factual basis for the claim. For example the legal basis of a claim could be a breach of contract and / or that the respondent owed you a duty of care and has been negligent. The factual basis of a claim could include how the respondents breached the contract or the duty of care by their actions or inaction. You may also need to state the specific defects you allege in relation to each respondent. In other words the particulars need to contain sufficient information to fairly inform each respondent of what you think they are liable for and why they are liable so that they can file an informed and detailed response.



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APPLICATION FORM

1. Claimants name and details (Note 1)

Please provide full and exact legal names of all claimants. The claimant/s in the Tribunal must be the owner of the property.

Owners (Claimant) (full and exact legal name):

Address: (Include both full street address and postal address)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:

2. Details of the property

Dwelling type (tick one)

☐ Standalone dwelling

☐ Dwelling in a Multi-unit complex

Address of dwelling:

2a. Is remedial work completed? (tick one)

☐ Yes

☐ No

☐ In Progress

3. Respondents details (Note 3)

Please provide names, addresses and contact details (as far as possible) for all respondents, including full legal names of companies/trusts.

Respondent 1 name (full and exact legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:



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Respondent 2 name (full legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:

Respondent 3 name (full legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:

Respondent 4 name (full legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:

Respondent 5 name (full legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:



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Respondent 6 name (full legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:

Respondent 7 name (full legal name):

Address: (Include both full street address and postal address where available)

Contact details:

Daytime number:

Email:

Mobile number:

Fax Number:

If necessary add further respondents on a separate sheet.

4. Ministry of Business Innovation and Employment Information

a) MBIE Claim no _____

b) MBIE claims advisor _____

5. Summary of Quantum

This section must be completed even if information is in the particulars of claim

Details of amounts claimed or orders sought	
Total amount claimed	\$



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6. Appointment of lawyer or representative

If you have appointed an agent, lawyer or representative to conduct this claim on your behalf, please provide the following information. All communications relating to your claim will subsequently be directed to your lawyer or representative.

Lawyer or representative's full name:	
(organisation/practice/business):	
Address: (Provide both full street address and postal address)	
Contact details:	
Daytime number	Mobile number
Email address	Fax number

If you subsequently revoke your representative's authority you need to immediately notify the Weathertight Homes Tribunal case manager in writing and inform them of your new contact details.

I confirm the information in this application is to the best of my knowledge correct.

Name:

Signature:

Date:

This document must be signed by the claimant/s



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7. Documents to support the claim

The following should be attached to support your claim:

☐ **Particulars of Claim (this needs to include all the information detailed in Appendix1)**

☐ **Assessor's Report**

Please indicate which of the following Ministry of Business, Innovation and Employment's (MBIE) Reports you are supplying with this application:

- ☐ Full report
- ☐ Updated or addendum report
- ☐ Eligibility Report (Eligibility reports must be accompanied by receipts for repairs and the technical report or evidence you will be relying on)

☐ **Other expert report or information on which you are relying**

☐ **Eligibility certificate or letter confirming eligibility from MBIE**

☐ **Copies of invoices, quotes, tender or estimates on which your claim is based if other than assessors report**

☐ **Copy of current certificate of title or other proof of ownership**

☐ **List of documents you will be relying on in the adjudication**

☐ **If your claim is for less than \$20,000 you must provide the MBIE Certificate for attempted resolution of Lower Value Claims**

☐ **Application fee of \$408.89 or filing fee receipts**



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APPENDIX 1

Particulars of Claim (Note 5)

The following information must be provided in an attached document or statement.

Chronology of Events

Include a chronology in summary form of all relevant events. It must contain details of when the dwelling was built and when you bought the dwelling or section on which the dwelling was built. It should also contain details of when you were first aware of leaks.

Construction

Include details of the construction of the dwelling including people or entities you know were involved in the development and construction and the nature of their engagement or involvement. Where there are still parties to be identified, this can also be noted.

Water Penetration and Damage

Include:

- Information on how you first became aware of leaks
- Details of where the dwelling leaks and the damage caused by the leaks
- Details of defects in the dwelling which have caused the leaks. This information may be contained in an attached defects schedule or list
- Information on steps taken to investigate damage and reports obtained
- Steps taken to repair and carry out remedial work.

Details of claims against each respondent

Include the claims being made against each respondent including:

- the legal basis indicating, for example, whether the claim is in contract or whether you claim the party has been negligent, and
- the factual basis of the claims against each respondent. For example if you are claiming breach of contract detail the specific breaches of the contract. If you are alleging negligence due to actions or inactions set out the facts and their connection to the defects and damage. In most cases you need to include details about which particular defects you consider each different party has responsibility for.

Amounts sought

Include in this section an itemised summary of the amounts sought for remedial work, consequential damages, and general damages. This should include or be cross-referenced to a schedule containing a breakdown of the remedial costs.