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2010/053: The issue of a notice to fix for a house with a code compliance certificate

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Abbreviation

2010/053

Valid from

28/06/2010

Information provider

Ministry of Business, Innovation and Employment

Author

Ministry of Business, Innovation and Employment

Information type

Determination

Format

PDF

Description

This determination arose from the decision of the authority to issue a notice to fix for a house that had been issued with a code compliance certificate in 2004.

The notice to fix was issued because the authority believed that the condition of a cantilevered timber deck and deck barrier constituted a safety risk, and that the house was not weathertight.

The matter to be determined was whether the authority's decision to issue the notice to fix was correct.

It was considered:

1. whether the issue of the notice to fix was the appropriate statutory mechanism to be applied if the building was dangerous or insanitary;
2. whether the notice to fix should have been issued in respect of work for which a code compliance certificate has been issued by the authority; and
3. whether the building was dangerous or insanitary under section 124 of the Act.

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