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2011/096: Refusal to accept proposed amendment to building consent for remedial work, and issuing of notice to fix for house with monolithic cladding

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Abbreviation

2011/096

Valid from

14/11/2011

Information provider

Ministry of Business, Innovation and Employment

Information type

Determination

Format

PDF

Description

This determination arises from the authority's decisions to:

issue a notice to fix because it was not satisfied that the 13-year-old house complied with certain clauses of the Building Code. The authority's concerns primarily relates to the weathertightness and durability of the existing house, including the condition of the original timber framing.

refuse to grant an amendment to the building consent for proposed remedial work, because it is not satisfied that the information provided satisfied the requirements of section 45 of the Act and that the proposed work did not adequately demonstrate compliance with the Building Code (Schedule 1, Building Regulations 1992).

The matters to be determined are therefore whether the authority correctly exercised its powers in issuing the notice to fix and in refusing to grant an amendment to the building consent for the proposed alterations. In deciding these matters, the following must be considered:

1. the scope of the proposed amendment, and the compliance of the proposed work;
2. whether the documentation submitted in respect of the proposed remedial work meets the requirements of section 45 of the Act. The LBP has stated that the remedial work has been presented to the authority with the intention of achieving a code compliance certificate upon its completion.

The determination therefore considers the above matters against the requirements of the Act and the Building Code in that respect.

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