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2013/055: Regarding the issue of notices to fix in respect of two units and a deck

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Abbreviation
2013/055

Valid from
23/09/2013

Information provider
Ministry of Business, Innovation and Employment

Information type
Determination

Format
PDF

Description

The determination arises from the authority's decision to issue two notices to fix for units and a deck located on the applicant's property, on the grounds that they did not comply with Clauses B1 Structure and B2 Durability of the Building Code and that building consent had not been obtained as required under section 40 of the Act. The applicant contends that the units are vehicles rather than buildings and therefore the Building Act and Building Code do not apply. Therefore, the matter to be determined is whether the authority correctly exercised its powers of decision in issuing the notices to fix. In considering this matter, I must also consider whether the units come within the definition of a building in section 8 of the Act, and whether the deck complies with the Building Code.

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