



## INSTRUCTION SHEET FOR MULTI UNIT APPLICATIONS FOR ADJUDICATION

Please read the Chair's Directions for Multi Unit Complexes. (You can view the directions and other information on the Tribunal's web-site at [www.justice.govt.nz/tribunals/wht](http://www.justice.govt.nz/tribunals/wht) or get it from WHT Registries.) You can also obtain assistance in completing the application from the Tribunal Manager or from your Weathertight Services Group claims advisor with the Ministry of Business, Innovation and Employment (MBIE).

It is important that your claim is detailed and ready to proceed to mediation and / or hearing at the time you file your application. In general this will mean that the amounts of money you will be claiming and the other orders you will be seeking 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 for 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

Please complete all relevant parts of the attached form and then sign a hard copy of the completed form and file with related documents by courier or post or personal delivery:

Address: Level 6 – Auckland District Court, 69 Albert Street, Auckland 1010  
DX: EX11086

**Please do not arrange service on the respondents until you have received confirmation that the application is accepted by and registered with the Weathertight Homes Tribunal.**

### **Note 1** (section 1)

The claimant in multi unit claims must be the representative of the majority of the owners in the complex. The person that may act as the representative is defined in section 8 of the Weathertight Homes Resolution Services Act 2006 as:

- The company – for the owners in a company-share complex
- The body corporate – for the owners in a unit title complex
- The person authorised by the owners in a cross lease complex or standalone complex

### **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.

### **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. You must include the full legal name/s of the respondents in section 3:

- If the respondent is a company, please include the full legal name of the company.
- If the respondent is a trust, you should include names of trustees for the trust, e.g. John Brown and Jane Brown as trustees for the Brown Family Trust.
- If a respondent is partnership, please include the full names of the relevant partners.

If there are parties you would like to include in your claim but have been unable to identify you may note this in the application by, for example, stating "unidentified roofer who installed the roof".



## WEATHERTIGHT HOMES TRIBUNAL MULTI UNIT APPLICATION FORM

### 1. Claimants name and details (Note 1)

Please provide full and exact legal names of the claimant.

<b>Representative (Claimant)</b> (full name)	
<b>Address:</b> (a physical or street address must be provided)	
<b>Postal Address</b> (if different from above)	
<b>Other Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

### 2. Details of the property

#### 2a. Dwelling information (Note 2)

<b>Complex type</b> (delete two) Company Share Complex	<b>Unit Title</b>	<b>Cross Lease Complex</b>
<b>Address of Complex:</b> (include full address and units included in this claim)		

#### 2b. Has remedial work been completed? (select 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.

<b>Respondent 1 name</b> (full and exact legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 2 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 3 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 4 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 5 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 6 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 7 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

<b>Respondent 8 name</b> (full legal name):	
<b>Address:</b> (Include both full street address and postal address where available)	
<b>Street Address</b>	<b>Postal Address</b>
<b>Contact details:</b> Daytime contact number	Mobile number
Email address	Fax number

#### 4. Particulars of Claim

The following information should be included either within this application or in an attached particulars or statement of claim

##### Claimants details

Include in this section

- details of the complex including management, ownership structure, common property etc
- the unit owners included in this claim
- Details confirming authority of representative to act (see sections 19 & 23 of the Act)

##### Chronology of Events

Include in this section a chronology in summary form of all relevant events known from when development began until lodging of claim

**Construction**

Include in this section details of the construction of the complex including people/ entities 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.

**Ownership of Apartments**

Include in this section information as to ownership history and occupation status of each apartment including whether pre-purchase inspections were obtained. Some of this information can be summarised in the attached schedule.

(Please note only current owners of units can be included in the claim and if the ownership of a unit changes whilst in adjudication the claim in relation to that unit must be terminated)

**Water Penetration and Damage**

Include in this section:

- Information on when owners / body corporate / company first became aware of issues and how they became aware
- Details of where the complex leaks and the subsequent damage. If easier this information can be contained in an attached schedule.
- Information on steps taken to investigate damage and reports obtained
- Any future likely damage
- Steps taken to date by claimants including any repairs and remedial work done

**Details of claim against each respondent**

Include in section the claims being made against each respondent including:

- the legal basis indicating, for example, whether it is in contract or tort and specifying the nature of the legal breach alleged; and
- the factual basis of the claims against each respondent, for example, detailing the specific breaches or action or inaction which is alleged were negligent

**Amounts sought**

Include in this section an itemised summary of the amount sought, including the total amount, being sought which can be cross-referenced to attached schedule containing a breakdown of the claim per unit.

# Schedule

Unit / title ref	Owner	Date of Purchase	Occupation Status <sup>1</sup>	Cost of Repairs <sup>2</sup>	Other Losses <sup>3</sup>	Total

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<sup>1</sup> e.g. Owner occupied or tenanted

<sup>2</sup> Either costs attributed to that Unit or the amount the owners will need to contribute to repair costs.

<sup>3</sup> Provide breakdown e.g. General Damages \$, Loss of Rent \$, etc.





## 8. Appointment of lawyer or representative

If you wish to appoint a lawyer or representative to conduct this claim please complete the following authority. If you do so, all communications relating to your claim will subsequently be directed to your lawyer or representative.

<b>Representatives name:</b>	
<b>Of</b> (firm/practice/business):	
<b>Address:</b> (Provide both full street address and postal address)	
Street Address	Postal Address
<b>Contact details:</b>	
Daytime contact number	Mobile number
Email address	Fax number

### Declaration

*I/We appoint (name of representative):*

*Of (Organisation/Company/Body Corporate)*

*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 the Weathertight Homes Tribunal in writing.*

Name:

Signature:

Date