

Applying for a determination

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If you would like MBIE to make a determination on your matter of dispute you can find out below how to make an application and what this costs. You can also find out why your application may be declined and what happens if you want to withdraw it.

A determination can:

- make a decision on whether building work complies with the Building Code, and/or
- confirm, reverse or modify an earlier decision made by the council (for example, regarding a building consent).

Check Determinations if you're unsure whether a determination is your best option or get in touch with our team.

Completing the application form

To apply for a determination you need to:

1. Download the application form, which is in two parts:
 - Part 1: Application for determination
 - Part 2: Party to an application for determination
2. Send MBIE:
 - your completed Part 1
 - your supporting documents
 - the correct application fee
3. Send each of the other parties a copy of:
 - your completed Part 1
 - your supporting documents
 - Part 2 with section M filled in (they will need to complete the rest of this form and return it to MBIE).

To help us process your application, please submit an electronic copy. If you have large attachments to submit, contact us and we will advise on how best to send these to us.

Freephone: 0800 24 22 43 or email determinations@mbie.govt.nz (<https://www.building.govt.nz/mailto:determinations@mbie.govt.nz>)

The information and supporting documents provided are important for MBIE to make a determination. The application form has suggestions about what to include and how to present it.

Determination application form

[PDF 1.6 MB]

[\(https://www.building.govt.nz/assets/Uploads/resolving-problems/determinations/\)](https://www.building.govt.nz/assets/Uploads/resolving-problems/determinations/)

[determination-application-form.pdf](#)

Cost of a determination

MBIE charges the applicant a fixed fee for determinations:

- for single houses, attached houses, flats and apartments four units or less, and garages and sheds – \$287.50 (including GST)
- for all other buildings – \$575.00 (including GST).

In most cases, parties to a determination do not need to engage legal or technical advice to support their position.

A determination is not an avenue for seeking damages and costs are not normally reimbursed. However, a party might be awarded costs if another party has caused unreasonable costs or delays during the determination process. At the conclusion of the determination, a party can request MBIE to make a direction to allocate costs.

Reasons your application may be declined

We can decline your application if:

- you are not a party in respect to the matter being applied for
- the problem or question is not a matter covered by the Building Act
- we have already made a determination, or we are about to make one, on exactly the same matter
- the application is 'not genuine or is vexatious or frivolous'.

Withdrawing your application

You can withdraw your application at any time before a final determination is issued. If you decide to do so MBIE will notify the other parties.

If your application was at an early stage you may be refunded part or all of the application fee. However, this is at MBIE's discretion and will depend on how much work we have already carried out.

Contact us

If you need more help, contact us on Freephone: 0800 24 22 43 or email determinations@mbie.govt.nz



New Zealand Government

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- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weathertight Services claim, it is published under section 12 of the Weathertight Homes Resolution Services Act 2006.