

## 2018/062: Authority's refusal to issue a code compliance certificate for a 17-year-old house with monolithic cladding

### Document

Determination 2018/062

[PDF 320 KB]

<https://www.building.govt.nz/assets/Uploads/resolving-problems/determinations/2018/2018-062.pdf>

### About this determination

Date issued	10 December 2018
Primary Building Code clause:	<a href="https://www.building.govt.nz/building-code-compliance/e-moisture/e2-external-moisture/">E2 - External Moisture (https://www.building.govt.nz/building-code-compliance/e-moisture/e2-external-moisture/)</a>
Also related to:	<a href="https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/">B1 - Structure (https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/)</a> <a href="https://www.building.govt.nz/building-code-compliance/f-safety-of-users/f4-safety-from-falling/">F4 - Safety from falling (https://www.building.govt.nz/building-code-compliance/f-safety-of-users/f4-safety-from-falling/)</a> <a href="https://www.building.govt.nz/building-code-compliance/f-safety-of-users/f7-warning-systems/">F7 - Warning systems (https://www.building.govt.nz/building-code-compliance/f-safety-of-users/f7-warning-systems/)</a> <a href="https://www.building.govt.nz/building-code-compliance/g-services-and-facilities/g3-food-preparation-and-prevention-of-contamination/">G3 - Food preparation and prevention of contamination (https://www.building.govt.nz/building-code-compliance/g-services-and-facilities/g3-food-preparation-and-prevention-of-contamination/)</a> <a href="https://www.building.govt.nz/building-code-compliance/g-services-and-facilities/g13-foul-water/">G13 - Foul water (https://www.building.govt.nz/building-code-compliance/g-services-and-facilities/g13-foul-water/)</a> <a href="https://www.building.govt.nz/building-code-compliance/b-stability/b2-durability/">B2 - Durability (https://www.building.govt.nz/building-code-compliance/b-stability/b2-durability/)</a>
Primary topic:	<a href="https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/?keyword=&amp;topic=Weathertightness+(remedial+work)&amp;action_doSearch=Search#results#">Weathertightness (remedial work) (https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/?keyword=&amp;topic=Weathertightness+(remedial+work)&amp;action_doSearch=Search#results#)</a>
Council:	Auckland Council
Section of the Building Act:	93, 95A

### Summary

Note: to be read in conjunction with Determination 2017/008.

This determination considers a second refusal to issue a code compliance certificate for a now 17-year-old house with monolithic cladding that was the subject of a previous determination. This determination discusses the validity of the refusal with regard to the time in which a building consent authority must make a decision, and the relationship between the requirement to give reasons for refusing to issue a code compliance certificate and the issue of a notice to fix. The determination considers the information the authority had before it at the time it made its decision and whether the items identified by the authority are compliant with the Building Code.

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