

## Resolution options

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If you have a problem and have not been able to resolve it by talking to the people involved, you may need to take a different approach or next step.

Your options for resolution can depend on the type of problem.

You can also ask us for advice about your problem, particularly if you need clarification of the Building Act, the Building Code or building to a consent.

[Contact us \(https://www.building.govt.nz/contact-us-old/\)](https://www.building.govt.nz/contact-us-old/) for advice or information.

## First steps

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### Resolve it yourself

This is usually the cheapest and quickest option, particularly because it reduces the need to involve more people. Even if you've already tried talking things through you could look at our information on resolving the problem yourself. It includes a process that might be more thorough than you have tried so far or offer something new.

[Resolve the problem yourself \(https://www.building.govt.nz/resolving-problems/resolution-options/first-steps-self-resolution/\)](https://www.building.govt.nz/resolving-problems/resolution-options/first-steps-self-resolution/) explains the process.

## Check your contract

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You should check your contract to see if it includes anything relevant to the problem. If you don't have a contract, or if your contract doesn't have a clause that applies, default clauses within the Building Act might apply.

[Contract problems \(https://www.building.govt.nz/resolving-problems/contracts/\)](https://www.building.govt.nz/resolving-problems/contracts/) includes information about the default clauses.

## Activate your consumer rights

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The law includes various consumer protection measures. The ones that apply to building include:

- within the Building Act, for all residential building work:
  - 12 month defect period (from practical completion, when all physical building work agreed to by you and the contractor has been finished)
  - 10 year implied warranties period
- Construction Contracts Act
- Consumer Guarantees Act
- Fair Trading Act.

[Activate your consumer rights \(https://www.building.govt.nz/resolving-problems/resolution-options/activate-your-consumer-rights/\)](https://www.building.govt.nz/resolving-problems/resolution-options/activate-your-consumer-rights/)

## Determinations and formal complaints

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### Seek a determination

Determinations are legally binding decisions made by MBIE about matters of dispute to do with certain decisions under the Building Act. Most determinations are about a decision made by a council (for example, a refusal to issue a building consent).

A determination may also consider whether building work complies with the Building Code. It may involve building work that is planned, underway or complete.

[Determinations \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/\)](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/)

### Make a complaint about your building consent authority

You might be able to make a formal complaint to us if you have concerns about how a council carries out its functions as a building consent authority (for example, refusal to grant a building consent).

[Complain about a building consent authority \(https://www.building.govt.nz/resolving-problems/resolution-options/formal-complaints/complain-about-a-building-consent-authority/\)](https://www.building.govt.nz/resolving-problems/resolution-options/formal-complaints/complain-about-a-building-consent-authority/) explains the process.

If your problem is to do with a council but not related to their role as a building consent authority you will need to look at alternative options.

[Problems with councils \(https://www.building.govt.nz/resolving-problems/councils/\)](https://www.building.govt.nz/resolving-problems/councils/) includes other issues and resolution options.

### Make a complaint about your building practitioner

There are different types of building practitioners. You'll need to work out whether yours is licensed or a member of any industry body or trade scheme who can hear your complaint and investigate.

You might also be able to make a formal complaint to an industry group, if your building professional is a member.

[Complain about your building practitioner \(https://www.building.govt.nz/resolving-problems/resolution-options/formal-complaints/complain-about-a-building-practitioner/\)](https://www.building.govt.nz/resolving-problems/resolution-options/formal-complaints/complain-about-a-building-practitioner/) has more information.

## Mediation, arbitration and adjudication

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You can ask a third party to help resolve your problem, through mediation, arbitration or adjudication. The option you choose might depend on:

- whether you and the other party can agree
- the role you want to play in agreeing the outcome
- the money you are prepared or able to pay to resolve the problem.

Each of these dispute resolution options offers a slightly different process and outcome.

[Mediation, adjudication or arbitration \(https://www.building.govt.nz/resolving-problems/resolution-options/mediation-arbitration-and-adjudication/\)](https://www.building.govt.nz/resolving-problems/resolution-options/mediation-arbitration-and-adjudication/)

## Apply for Weathertight assistance

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If you own a leaky home, you have options to resolve issues under the Weathertight Homes Resolution Services Act 2006.

[Weathertight Services \(https://www.building.govt.nz/resolving-problems/resolution-options/weathertight-services/\)](https://www.building.govt.nz/resolving-problems/resolution-options/weathertight-services/)

## Disputes Tribunal and courts

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You can take a dispute to the Disputes Tribunal if your claim is for up to \$15,000 (or \$20,000 if both parties agree).

If your claim is for more than you can claim through the Disputes Tribunal or you need to enforce the Disputes Tribunal's decision, you can go to the District Court. Seek legal advice if you are pursuing this option.

[Disputes Tribunal and courts \(https://www.building.govt.nz/resolving-problems/resolution-options/disputes-tribunal-and-courts/\)](https://www.building.govt.nz/resolving-problems/resolution-options/disputes-tribunal-and-courts/)

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**MINISTRY OF BUSINESS,  
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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.