

## First steps - self-resolution

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Parties involved in a dispute should attempt to resolve it themselves (known as self-resolution). You can often reach an agreement or compromise by talking an issue through.

Some of the benefits of self-resolution include:

- preventing the dispute from escalating
- preserving the relationship between the parties
- preventing future disputes – or enabling quick resolution
- saving time and money.

The three simple steps to self-resolution of a dispute are:

1. check your facts
2. communicate
3. record any agreement in writing.

### 1. Check your facts

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If the problem is with a building professional, or someone you have a contract with, review the written contract. If the dispute relates to payment, check that the provisions of the Construction Contracts Act are being followed. If they are, the contract should include a payment claim or payment schedule.

[Construction Contracts Act \(https://www.building.govt.nz/projects-and-consents/why-contracts-are-valuable/construction-contracts-act-2002/\)](https://www.building.govt.nz/projects-and-consents/why-contracts-are-valuable/construction-contracts-act-2002/) details what a contract should include regarding payment.

If the problem relates to a dispute with council you could start by asking the council for clarification. For example, if the dispute is due to a decision they have made, ask for a clear statement of the reasons for their decision (refusing a building consent or refusing a code compliance certificate, etc).

[Building consent and sign-off problems \(https://www.building.govt.nz/resolving-problems/building-consent-and-sign-off/\)](https://www.building.govt.nz/resolving-problems/building-consent-and-sign-off/) includes more information about the process.

[Council problems \(https://www.building.govt.nz/resolving-problems/councils/\)](https://www.building.govt.nz/resolving-problems/councils/) (not related to a building consent) looks at other types of council problems.

### 2. Communicate

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When it comes to discussing a problem with each other, these tips may help:

- talk with the other party as soon as possible if you have a concern – ignoring a problem will not make it go away
- be available to each other and do not ignore attempts from the other party to contact you
- express your views clearly and listen with an open mind to what the other party has to say
- try to understand the other party's point of view

- check that both you and the other party understand the concerns
- come up with a range of options to resolve the matter (including possible compromises)
- have realistic expectations about reaching an agreement
- keep talking and listening regardless of whether you can reach a mutual solution
- if you can't resolve the issue easily, set another time to continue negotiations
- stick to the issues and be respectful, including in voicemail, text or email messages. A hasty, incomplete or poorly worded message can create confusion or unnecessary ill-feeling.

### 3. Record any agreement in writing

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While most verbal or 'handshake' agreements are binding, it is important to ensure key issues are accurately recorded in writing. Some advantages of doing this are to:

- provide a means of checking that the parties have agreed on the key issues
- provide a means of ensuring details of any agreement can be recalled later
- prevent future disputes by clearly outlining what has been agreed
- provide a means of confirming closure of a dispute
- make enforcement easier if one party doesn't keep to the agreement. If this process doesn't work, have a look at your other resolution options. You could look at your contract to see if it covers the problem.

[Contract problems \(https://www.building.govt.nz/resolving-problems/contracts/\)](https://www.building.govt.nz/resolving-problems/contracts/) includes information about default clauses that take effect if your contract is insufficient.



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HIKINA WHAKATUTUKI

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