

# Dealing with Leaky Building claims

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## Background to Leaky Building Claims

The issue of leaky buildings has arisen in New Zealand as a result of certain building, cladding and inspection practices in the 1990's and early 2000's that led to the construction of dwellings that were not weather tight.

Typical features of a leaky building include monolithic cladding systems, a lack of eaves and issues with junctions between external walls and decks or other building elements such as balustrades.

The damage caused by 'leaky building syndrome' can be significant. In most cases the damage caused will require some degree of remedial work in order to fix the damage already caused and to prevent water ingress from occurring again in the future.

The issue then becomes who should meet these, often significant, costs.

## Parties to Leaky Building cases

There are often a large number of parties involved in a leaky building claim.

- The current home owners (who will be the Claimants) and the Respondents including:
- The previous home owners
- Developers
- Architects
- Engineers
- Builders
- Project managers
- Specialist trades-people
- Cladding applicators
- Product suppliers
- Local territorial authorities (City Councils)

We have considerable experience in assisting both affected home owners and defendants (builders, developers etc) in leaky building claims.

## Limitation Issues

If you are a home owner it is important that you contact us as soon as you become aware that your property may suffer from leaky building syndrome. There are strict time

limits within which you must bring a claim, or you will be time barred from suing any of the parties involved in the construction.

Generally this time limit will be 6 years from the date of construction, but in some instances it will be 10 years from the date of construction.

As most leaky buildings were constructed during the 1990's and early 2000's, there are some cases that are already out of time and others that are approaching the limitation date for bringing a claim.

If you are unsure whether or not a limitation issue may apply to you, you should contact us to discuss this as soon as possible.

## How Can We Help?

### Home Owners

If you are a home owner, we can assist you in deciding the best course of action for your circumstances. The options may include lodging a claim with the Weathertight Homes Tribunal, taking a claim to Court or accepting the Government's Financial Assistance Package for leaky home owners.

We can represent you throughout your chosen process, including at a hearing in the Weathertight Homes Tribunal or Court.

### Respondents

If you have been named as a Respondent to leaky building proceedings (or you are concerned that you might be), then we can assist you in understanding the liability/damages issues involved in your case and represent you the proceedings.

If you would like further advice, please contact a member of our Disputes Resolution Team.