

Code Compliance Certificates for Older Houses

Introduction

The New Zealand appetite for selling and buying properties is as ever, very buoyant with no signs of slowing down anytime soon.

Are you about to buy or sell a property but are aware the house does not have a Code Compliance Certificate (CCC) either through the LIM process or by the Vendor/homeowner? Presumably you have sought legal advice.

The sale of the property is in a few days. You visit your local authority office seeking advice and assistance, more than likely through the Building Control Department (BCD). What are they going to do?

The following sets out some guidance and perhaps some realistic expectations of what can be done by the Council. This guidance is mainly steered towards properties of some age.

In some cases, the BCD may find in their system that a CCC was in fact issued. Great, that was easy a copy of this will be provided to you.

However, if there is no evidence a CCC was ever issued we have a bit of work to do, particularly for older properties.

What to do?

Don't panic!

Contact the Building Control Department at building@kaikoura.govt.nz or phone 03 319 5026.

What will they do?

Respond within 48hrs. This may not be definitive response, however. There are several factors to be considered.

Like what?

The Building Control Department will check if any documentation is on file or on our computer system that would have indicated

- if a CCC was issued, or what documentation to support the building consent at completion was missing and required as part of an application for CCC.
- what inspections had been agreed to be undertaken as part of the consent. What in fact has been done, and if any inspections were missed because the Council had not been invited to undertake these at the time of the build.
- if any inspection has failed and how they were (if at all) addressed.

The BCD will advise you of their findings.

Frequently asked Questions

The builder who did the work has moved abroad and I can't find any contact details for the electrician. What do I do?

Council needs to be satisfied that the work undertaken complies with the building consent.

- A Licensed Building Practitioner if willing, could undertake to provide a Building Report.
- An electrician could if willing, review the work undertaken, they may be prepared to provide sign-off for that work.

Council may then consider the merit of such a report or certification.

The age of any consented work that has been undertaken has a bearing on next steps for you.

Such as?

The Building Control Department may need to undertake a further inspection.

For example, you will be aware that Kaikoura went through several Earthquakes and let's say the building work was practically completed in 2004 and you are only today trying to get CCC, the BCD will need to be assured the property had not suffered any damage and the property at this present time is in good order as per the consented works.

They also need to have a general look to at the condition of the building, for example, if the building was built in 2002, what does it look like now from a durability point of view. The BCD may ask for an independent qualified person (such as a Registered Surveyor who is expert in weathertightness claims) to establish the conditions of claddings and substrate and provide a report.

I hear a lot about durability and waiver or modification. What's that about?

The Building Code B2-Durability ensures that a building will continue to satisfy the performance of the Building Code throughout its specified intended life.

When the Council issue a CCC one could consider that from that moment all product warranties are effective as the works were practically completed. In the case of a building completed say in 2002 and we are today applying for a CCC, to give the building a CCC now would effectively mean those elements which will already be outside of their warranty periods would be getting a second bite of the cherry.

The Council would not consider it appropriate to carry that liability and therefore may ask you to apply for a modification to B2 Durability. Our staff would advise you accordingly.

In some cases, to support the proposed modification, we will require a full report as to conditions of claddings and substrate. Typically, a builder's report in this instance would not suffice as this type of work should be completed a registered surveyor with weathertightness claims experience.

What's involved?

The application for a modification to B2 is taken as amendment to the consent. To do this, the owner must apply using Form 2 (application for Building Consent) <https://www.kaikoura.govt.nz/our-services/building-information-and-consents/application-forms-and-building-consent-fees/>

What next?

Firstly-

Apply for an amendment to the consent if required by Council.

<https://www.kaikoura.govt.nz/our-services/building-information-and-consents/application-forms-and-building-consent-fees/>

Complete an application for modification to B2 if required by Council which we will send you.

Provide any necessary paperwork requested. Please note in some cases, you may have to engage an independent qualified person who is expert of weathertight claims to establish conditions of claddings and substrate.

Secondly-

An application for CCC will need to be made. You will need to complete and provide an application for CCC

<https://www.kaikoura.govt.nz/our-services/building-information-and-consents/application-forms-and-building-consent-fees/>

You will need to provide any outstanding paperwork pertaining to the active building consent needed with an application for CCC.

Council will then contact you to discuss any additional requirements and if needed, arrange a further site inspection.

You will need to pay any outstanding fees prior to issue of a CCC.

So how long can the process take?

Depends entirely on how complex the project was and what supporting information we have or have been provided to support a call being made in issuing a CCC.

The Council have 20 statutory days to either issue or reject an accepted application for CCC.

In some case, we may not be able to issue a CCC as we may not be satisfied that the works undertaken complied with the consented documents.