



Determination 2010/117

Refusal of a code compliance certificate for an addition and alterations to a house at 22 Eden Street, Island Bay, Wellington



1. The matters to be determined

1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004¹ (“the Act”) made under due authorisation by me, John Gardiner, Manager Determinations, Department of Building and Housing (“the Department”), for and on behalf of the Chief Executive of that Department.

1.2 The parties to the determination are:

- H and J Murray, the owners of the property (“the applicants”)
- Wellington City Council, carrying out its duties as a territorial authority or building consent authority (“the authority”).

1.3 This determination arises from the decision of the authority to refuse to issue a code compliance certificate for an addition and alterations to a house (“the alterations”), because it is not satisfied that the building work complies with certain clauses² of the Building Code.

¹ The Building Act, Building Code, Compliance documents, past determinations and guidance documents issued by the Department are all available at www.dbh.govt.nz or by contacting the Department on 0800 242 243

² In this determination, unless otherwise stated, references to sections are to sections of the Act and references to clauses are to clauses of the Building Code.

- 1.4 The authority's primary concern is the length of time between when the building work was completed and the application for the code compliance certificate received, with regard to Clauses B2 Durability, E2 External Moisture and E3 Internal Moisture.
- 1.5 The matter to be determined³ is therefore whether the authority was correct to refuse to issue a code compliance certificate for the building work. In deciding this matter, I must consider:
- 1.5.1 Matter 1: The building envelope**
Whether the addition and alterations comply with Clause B2 Durability and Clause E2 External Moisture of the Building Code. The building envelope includes the components of the system (such as the wall claddings, the windows and the roofing), as well as the way components are installed and work together. (I consider this in paragraph 6.)
- 1.5.2 Matter 2: The tiled shower areas**
Whether the tiled shower areas comply with Clause B2 Durability and Clause E3 Internal Moisture of the Building Code. The tiling includes the components of the system (such as the substrate, the waterproofing membrane and the tiles), as well as the way components have been installed and work together. (I consider this in paragraph 7.)
- 1.5.3 Matter 3: Other clause requirements**
Whether the remaining building elements of the alterations comply with other relevant clauses of the Building Code. (I consider this in paragraph 8.)
- 1.5.4 Matter 4: The durability considerations**
Whether the building elements comply with Clause B2 Durability of the Building Code, taking into account the age of the alterations. (I consider this in paragraph 9.)
- 1.6 In making my decisions, I have considered the submissions of the parties, the report of the expert commissioned by the Department to advise on this dispute ("the expert"), and the other evidence in this matter.

2. The building work

- 2.1 The building work consists of a small addition together with extensive interior alterations to a single-storey detached house. The building is situated on a sloping section in a medium wind zone for the purposes of NZS 3604⁴. The altered house is fairly simple in plan and form and is assessed as having a low weathertightness risk.

2.2 The original house

- 2.2.1 The traditional 1930's house contained a central hallway providing access to three bedrooms, along with separate living room, dining room and kitchen. A closed-in verandah to the south provided a sunroom from the original master bedroom and a rear lean-to provided a "washhouse".

³ Under sections 177(1)(b) and 177(2)(d) of the Act

⁴ New Zealand Standard NZS 3604:1999 Timber Framed Buildings

- 2.2.2 The house was constructed in a conventional manner for the period with timber-framed interior walls and suspended floor, weatherboard wall claddings, corrugated steel roof cladding and timber sash windows.

2.3 The alterations

- 2.3.1 The alterations, carried out in stages between 2003 and 2006, included a small addition to the rear of the house and extensive replanning of the original interior layout. The building work included:

The living room addition to the rear of the existing house:

- demolition of the original rear washhouse
- addition of a new living room
- construction of a new rear deck and steps

The bathrooms/laundry area

- the original south dining room area:
 - a recessed wood burner opening into the new dining area
 - a new bathroom with a cupboard for laundry facilities
 - an ensuite bathroom for the new master bedroom

The kitchen/dining area

- the western section within the existing house:
 - removal of walls between the two bedrooms, kitchen and dining room
 - replacement with an open plan kitchen and dining area, with a large opening to the new living room addition

The master bedroom

- conversion of the original east sitting room at the front of the existing house into a new master bedroom

The remaining bedrooms

- the north eastern section of the existing house:
 - removal of walls between the sunroom, bedroom and existing bathroom
 - replacement with two bedrooms.

2.4 The living room addition

- 2.4.1 The living room addition is conventional timber-framed construction, with a concrete slab and foundations and a monopitched profiled metal roof. The north and west walls are clad with weatherboards to match the original, with a re-used timber sash window and new glazed timber doors. The south boundary wall is fire-rated, with two layers of fire-rated plaster board interior linings and 6mm fibre-cement sheet exterior cladding installed over a cavity and with no windows.
- 2.4.2 The 3° trapezoidal metal roof intersects with the main house walls beneath the original eaves. There is no roof projection to the south, while the north eaves projection is about 550mm including the gutter and the west verge is 200mm. A

small timber-framed deck forms an infill between the addition and the existing house wall, with doors from the living and dining rooms and steps along the western end.

- 2.4.3 The expert was unable to see evidence of treatment to wall framing for the alterations and the specification called for 'No. 1 Framing'. However, I note that the authority's preline inspection of the addition in late 2004 recorded that the south bottom plate was H3.2 with 'all other framing H1.2'. Based on this evidence, I consider the wall framing of the alterations is treated.

2.5 The tiled showers

- 2.5.1 The shower to the ensuite bathroom has tiles to the walls, cubicle floor and upstand beneath the glazed shower door. The main bathroom has a shower over the bath, with tiles installed to the shower walls and bath surround.

3. Background

- 3.1 The authority issued a building consent (No. 107319) for the alterations on 15 October 2003 under the Building Act 1991. The applicant is a 'trade certified and practicing builder' and the alteration work was undertaken in stages from November 2003 to 2006.
- 3.2 The authority carried out the following inspections of the various areas:

The new bathrooms/laundry

- Pre-line plumbing and building inspections on 25 and 27 November 2003 (which noted 'book pre-tile inspection of waterproof membranes prior to fixing any tiles' and also 'note the required thickness and the curing time').
- An inspection of the bathroom membrane on 5 January 2004 (which noted that this was 'applied as per manufacturer's instructions. Approved to tile.').
- Inspection and testing of waste and soil pipes on 20 January 2004.

The kitchen/dining area

- Pre-line inspection on 31 August 2004 (which passed, noting 'sighted all mechanical connections for beams and bracing. Air seals provided. Sighted insulation. Discussed inspection for new solid fuel wood burner.').
- Solid fuel heater inspection on 5 November 2004 (which passed, noting 'unit installed as per manufacturer's instructions').

The living room addition

- Pre-pour concrete slab inspection on 5 November 2004 (which passed, noting the slab was 'to NZS 3604 Standards' and also that 'living room floor has changed as with a timber floor there was going to be no crawl space.').
- Pre-cladding inspection on 17 November 2004 (which passed, noting the framing treatment and the fire rating required to the south wall, with the cladding to the south wall 'TBA' [to be advised]. Also 'sighted mechanical connections for roof wall intersection and lintel connections. Sighted bracing connections.').

- Pre-line inspection on 1 December 2004 (which passed, noting insulation on site, the treatment of window/door openings and the ‘fire building wrap to fire rated wall’, which was to be ‘6mm [fibre-cement sheet] on a cavity system’).

The bedrooms

- Pre-line inspection on 31 August 2005 (which passed, noting ‘sighted bracing connections, insulation, batts, sill trays and air seals to windows’).
- Pre-line inspection of the last bedroom on 19 October 2006 (which passed).

3.3 It is not clear when all of the work was completed, but there appears to have been no request for a final inspection or a code compliance certificate until early in 2010.

3.4 The authority’s refusal to issue a code compliance certificate

3.4.1 Following the request for a code compliance certificate, the authority did not carry out a final inspection of the building work; instead undertaking a ‘Backlog Desktop Office Review’. That review identified various ‘issues’ and concluded that an ‘unable to issue CCC letter’ would be sent to the applicants.

3.4.2 In a letter to the applicants dated 1 March 2010, the authority explained that when issuing a code compliance certificate it:

...must be satisfied, on reasonable grounds, that the building work and the materials used in the construction of the building comply with the provisions of the NZ Building Code (NZBC) at the time the consent was issued.

3.4.3 The authority also noted that:

To establish NZBC compliance, it is the building owner’s responsibility to request a CCC immediately after the work is completed. If this request is not sought immediately after completion, as has occurred in this case, the owner must accept a risk that the CCC may not be issued.

3.4.4 The authority also explained the durability provisions of the Building Code and stated that, after reviewing the situation, it could not ‘provide you with an assurance of building code compliance’ for the building simply because ‘too long a period has elapsed since it was built’.

3.4.5 The authority gave the applicants the options of applying for a determination or applying to the authority for a ‘waiver/modification’ in relation to the durability provisions. The authority noted that an acceptable application ‘must be supported by a full report’ by an approved qualified expert, stating:

The reports brief must extend to full assessment of the current status of compliance of all the work in relation to NZBC. The report must identify all matters of concern, but with specific regard to;

- B1 (Structure),
- B2 (Durability),
- E2 (External moisture) and
- E3 (Internal moisture).

- 3.4.6 The authority also noted that ‘it may still be necessary’ to carry out a final inspection after [my emphasis] a formal decision is made, which could result in ‘additional compliance issues to be identified’.

3.5 The applicant’s response

- 3.5.1 The applicants responded in a letter to the authority dated 30 June 2010, noting that the refusal to issue a code compliance certificate seemed to be solely because ‘our building consent has been open too long’, despite there being no time restriction stipulated in the consent documentation or advised during the construction of the alteration work.

- 3.5.2 The applicants explained the reasons for the protracted completion of the project and expressed their dissatisfaction with the authority’s demands for a report stating:

It appears that this process, with no guaranteed outcome, is designed to discourage people as, even should a person invest the time and money necessary, it is still the final say of the Council as to whether they will issue a CCC.

- 3.5.3 The applicants indicated that a modification of the starting date for durability would be acceptable to them and concluded:

Our house has had quality renovations and followed the consent process to the letter all the way through, with numerous inspections where [the authority] signed off the checklists and endorsed the work. It is not a leaky home or a new apartment and we are not seeking a CCC on work that was not carried out according to correct Council requirements.

- 3.6 The authority responded in a letter to the applicants dated 26 July 2010, explaining more about the durability requirements and noting that ‘the building work has already been in use for five or six years’. The authority explained that the initial assessment was to avoid any unnecessary inspection costs and confirmed the stance taken in its earlier letter, noting:

In your specific situation, our concerns relate to:

- the woodburner – installed 2004 with a durability requirement of five years, which has already been met.
- the waterproof membrane under the tiled shower – installed 2004 with a durability requirement fifteen years, and the membrane roof – installed 2006 with a durability requirement fifteen years.

- 3.7 The Department received an application for a determination on 13 August 2010.

4. The submissions

- 4.1 The applicants provided copies of:

- the drawings and specifications
- the building consent
- the authority’s inspection records
- the correspondence with the authority
- various other statements, calculations and photographs.

4.2 In a letter to the Department dated 23 August 2010, the authority explained the procedure in place when code compliance certificates were requested for building consents over five years old. The procedure involves reviewing the property file and inspection records and deciding whether there is sufficient evidence to allow compliance to be assessed in an inspection. In the case of this building consent the authority concluded it ‘could not be satisfied that the work would comply with the requirements of the Building Code’ and therefore:

At this time the Council are unable to consider a Code Compliance Certificate for the building consent.

The Council’s letters dated 1 March 2010 and 26 July 2010 to the owner outlined the options available to them. From these options the owners have chosen to apply for a determination. The Council believe that the Determination should be on all Code Clauses with particular focus on B2, E2 and E3.

4.3 The authority forwarded a CD-Rom containing the information held on its property file, providing some additional information including copies of:

- the authority’s inspection records
- The authority’s ‘Backlog Desktop Office Review’.

4.4 A draft determination was issued to the parties on 5 November 2010. The draft was issued for comment and for the parties to agree dates when the various parts of the alteration work complied with Building Code Clause B2 Durability. The applicants accepted the draft without comment and both parties agreed that compliance with B2 Durability was achieved on 1 September 2005.

4.5 The authority accepted the draft determination but made the following points in response:

- It did not accept the Departments position as stated in paragraph 10.2, saying it believed it was not ‘unreasonable to request evidence to support an application to amend a building consent to modify [the] durability requirements ...’
- The authority expressed the view that the
[a]ssessment of older building work has become a specialised area, which the [Department] appears to acknowledge as [it] consistently engage members of the Building Surveyors Institute to provide technical advice ... The [authority] does not consider it is unreasonable to put a similar level of reliance on ... experts when considering applications to modify the durability requirements of the code.
- In respect of paragraph 10.3, the authority noted that the applicant’s were given the opportunity to either apply to amend the consent in respect to Clause B2 or seek a determination.

4.6 I continue to hold to the opinions expressed in paragraphs 10.1 to 10.3. The authority is incorrect in its observation that I only engage experts in these situations who are members of the New Zealand Institute of Building Surveyors (“NZIOB”), as experts other than from the NZIOB have been engaged to undertake such work.

4.7 I note that the NZIOB is concerned principally with weathertightness matters, whose members have expertise with respect to the assessment of monolithic claddings (the house is clad with timber weatherboards). The authority’s concerns, as advised in its

letter to the applicant's dated 26 July 2010, were about the durability of the wet area shower and the wood burner. The assessment in this case could have been carried out by anyone with expertise in the performance requirements of the Building Code.

5. The expert's report

5.1 As mentioned in paragraph 1.6, I engaged an independent expert to assist me. The expert is a member of the New Zealand Institute of Building Surveyors. The expert inspected the addition and alterations on 23 September 2010 and provided a report that was completed on 12 October 2010.

5.2 Variations

5.2.1 The expert noted a number of variations from the consent drawings, including:

The living room addition

- timber piles changed to a concrete slab and foundations
- cladding to the south wall changed from weatherboards to fibre-cement sheet
- omission of the steps along the north edge of the deck (however a balustrade has been installed)
- membrane roof changed to trapezoidal metal roofing

The alterations to the original house

- original chimneys to south wall not demolished
- south windows to master bedroom and ensuite bathroom not installed
- various other minor interior layout changes.

5.2.2 I note that changes to the floor and south cladding of the addition were noted in the authority's inspection records (see paragraph 3.2). However, I note that the records made no specific mention of the change in roofing.

5.3 General

5.3.1 The expert noted that the workmanship was generally 'good in quality and detail', with weatherboards and windows installed using traditional methods and that 'all work has been completed using good trade practice with the overall finish of a high level'. Apart from the leftover loose nails rusting on the surface of the addition roof, 'all roofs and their components have been done in a professional manner'.

5.3.2 The expert noted that the main roof over the original part of the house had been recently replaced and the house has been generally 'well maintained but is now due to be painted again'.

5.4 Compliance with the relevant code clauses

5.4.1 The expert assessed the house for compliance with the relevant clauses of the Building Code his comments are included below. I have expanded on these comments where appropriate.

5.4.2 B1 Structure

- The house is a simple conventional structure and the expert noted no evidence of structural stress or excessive movement in the alteration work.
- Inspection records note satisfactory inspections of foundations and floor slab, with specific mention of sighting mechanical connections and bracing.
- Structural elements are largely unchanged, so the design engineer's producer statement and calculations remain relevant to the altered house.

5.4.3 C1 Outbreak of fire

- The expert inspected the enclosed wood burner, including sighting the flue and firebox from the roof space, noting 'no visual issues' regarding its safety.

(I note that the new wood burner was installed in 2004, and was specifically inspected and passed for use on 5 November 2004, indicating its compliance at that time.)

5.4.4 E1 Surface water

- The expert noted no visual signs of issues relating to surface water drainage.
- The authority's inspection records indicate satisfactory drainage inspections.

5.4.5 E2 External moisture (including B2 Durability)

- The expert inspected the interior of the house and took non-invasive moisture readings. As he saw no evidence of moisture penetration, the expert did not consider it necessary to take invasive readings.
- Traditional methods of construction were used and the joinery installation appeared satisfactory, with no evidence of moisture. (I also note that inspection records noted and accepted the treatment of window and door openings, including the installation of air seals.)
- The expert made the following comments in regard to durability:
 - The loose nails left on the roof of the addition are corroding and will impact on the durability of the roof surface.
 - There is minimal horizontal clearance between the timber deck to the weatherboards.

5.4.6 E3 Internal moisture

- The expert inspected the tiled shower areas and noted that these appear to be code-compliant, with no evidence of any moisture problems.
- The expert noted that vanity units and kitchen bench tops were not sealed against the walls.

5.4.7 F4 Safety from falling

- The expert made the following comments:
 - There is no handrail for the stairs from the deck which creates the potential for a fall of over one metre.
 - There is no restrictor stay on the opening sash of the north window to the northeast bedroom, where the sill is less than 760mm above floor level and more than one metre above the outside ground level.

5.4.8 H1 Energy Efficiency

- The expert noted that ceiling insulation did not cover the entire ceiling of the original house (I address this in paragraph 8.3).

5.5 A copy of the expert's report was provided to the parties on 14 October 2010.

Matter 1: The building envelope

6. Weathertightness

6.1 The building envelope is required to comply with Clause B2 Durability and Clause E2 External Moisture.

6.2 I note that, if the details shown in the current E2/AS1 were adopted to show code compliance for this low-risk living room addition, the claddings would not require a drained cavity. I also note that the fibre-cement cladding to the south fire wall of the addition was described in the authority's records as 'installed over a cavity'.

6.3 Taking account of the expert's report, the claddings generally appear to have been installed in accordance with good trade practice and I am satisfied that the building work complies with Clause E2 of the Building Code.

6.4 However, taking account of the expert's comments outlined in paragraph 5.4.5, I conclude that some remedial work to the following areas is necessary to ensure the continued weathertightness of the building work:

- the loose corroding nails laying on the roof of the living room addition.

6.5 Providing the above items are satisfactorily attended to, I am satisfied that the building work will comply with Clause B2 (insofar as it applies to E2). While the expert notes the minimal clearance from the timber decking to the weatherboards I consider this adequate in the circumstances.

Matter 2: The tiled shower areas

7. Discussion

7.1 The tiled shower areas are required to comply with Clause B2 Durability and Clause E3 Internal Moisture of the Building Code.

7.2 I note that the authority recorded a specific inspection of the membrane prior to the tiling; approving tiling to proceed and noting that membrane was applied in accordance with the manufacturer's instructions.

7.3 The expert's report and the authority's records of the membrane inspection provide me with reasonable grounds to be satisfied that the tiled shower areas are adequate and comply with Clause E3. I am also satisfied that the tiles shower areas comply with Clause B2 (insofar as it applies to Clause E3).

Matter 3: Other clause requirements

8. Discussion

8.1 Taking account of the expert's report and the authority's inspection records, I consider that the following areas require attention (relevant Building Code Clauses are shown in brackets):

- sealing of vanity units and bench tops against the walls (Clause E3)
- lack of a handrail to the steps from the deck (Clause F4)
- lack of a restrictor stay to the window in the north east bedroom (Clause F4).

8.2 The expert's report and the authority's inspection records provide me with reasonable grounds to conclude that the remaining building work complies with remaining relevant clauses of the Building Code.

8.3 The ceiling insulation

8.3.1 I note that the expert's comment on the insulation did not cover the complete ceiling of the original house. However, the complete insulation of the existing ceiling was not required by the consent documents.

8.3.2 The authority's inspection record indicates a satisfactory pre-line inspection for the living room addition, which noted insulation ready for installation. I also note that some insulation was also recorded as sighted in the pre-line inspection record for the altered bedrooms.

Matter 4: The durability considerations

9. Discussion

9.1 The authority also has concerns regarding the durability of various elements of the building work, and hence the compliance with Clause B2 Durability, taking into consideration the age of the building work.

9.2 The relevant provision of Clause B2 requires that building elements must, with only normal maintenance, continue to satisfy the performance requirements of the Building Code for certain periods ("durability periods") "from the time of issue of the applicable code compliance certificate" (Clause B2.3.1).

9.3 These durability periods are:

- 5 years if the building elements are easy to access and replace, and failure of those elements would be easily detected during the normal use of the building
- 15 years if building elements are moderately difficult to access or replace, or failure of those elements would go undetected during normal use of the building, but would be easily detected during normal maintenance
- the life of the building, being not less than 50 years, if the building elements provide structural stability to the building, or are difficult to access or replace,

or failure of those elements would go undetected during both normal use and maintenance.

- 9.4 In this case the delay between the completion of the alterations, from 2004 to 2006, and the request for a code compliance certificate, has raised concerns that various elements of the building work are now well through or beyond their required durability periods. This means that these elements would consequently no longer comply with Clause B2 if a code compliance certificate were to be issued effective from today's date.
- 9.5 In this regard, I have not been provided with any evidence that the authority did not accept that those elements complied with Clause B2 at various dates as the work was completed from 2004 to 2006.
- 9.6 The delay raises the matter of when the various elements of the addition and alterations complied with Clause B2. The sequence of events outlined in paragraph 3.2 shows that the work was progressively completed over about of about 20 months. The work was completed in about three phases and contained work with varying degrees of complexity and exposure in respect of Clause B2. I do not believe a separate durability period is desirable or necessary in respect of each phase of the work. The more significant work in terms of the building's exposure to the elements was the completion of the kitchen/dining area and the living room addition which was completed some time around or after December 2004. It is not disputed, and I am therefore satisfied, that all the building elements complied with Clause B2 on 1 September 2005. This date has been agreed between the parties, refer paragraph 4.4 .
- 9.7 In order to address these durability issues when they were raised in previous determinations, I sought and received clarification of general legal advice about waivers and modifications. That clarification, and the legal framework and procedures based on the clarification, is described in previous determinations (for example, Determination 2006/85). I have used that advice to evaluate the durability issues raised in this determination.
- 9.8 I continue to hold that view, and therefore conclude that:
- (a) the authority has the power to grant an appropriate modification of Clause B2 in respect of all the building elements
 - (b) it is reasonable to grant such a modification, with appropriate notification, as in practical terms the building is no different from what it would have been if a code compliance certificate for the building work had been issued in 2006.
- 9.9 I strongly suggest that the authority record this determination, and any modifications resulting from it, on the property file and also on any LIM issued concerning this property.

10. The authority's actions

- 10.1 The main evidence as to the likely compliance of this building work is able to be gathered from the authority's inspection records and a visual inspection of the alterations to assess their compliance and performance over the past four to six years.

Such a process may or may not reveal that further evidence needs to be gathered to provide reasonable grounds on which to determine compliance of the building work.

- 10.2 In the case of these conventional alterations and additions the authority elected not to undertake a final inspection when the applicants requested a code compliance certificate. The authority carried out ten satisfactory inspections during the course of the work and I consider it unreasonable for the authority to impose additional specialist inspections without first establishing whether this was in fact necessary.
- 10.3 I consider the authority was able to conduct the necessary final inspection and reach its own view as to code compliance. Such an inspection would have revealed that one of the authority's concerns about a membrane roof to the living room was not relevant, as the as-built roof was trapezoidal steel. The authority was able to resolve this matter in a more effective manner without the need for it to be referred to the Department for determination.

11. What is to be done now?

- 11.1 The authority should now inspect the building work and issue a notice to fix that requires the owners to bring the building work into compliance with the Building Code. That notice to fix should identify the areas listed in paragraph 6.4 and paragraph 8.1 and refer to any further defects that might be discovered in the course of investigation and rectification. The notice to fix should not specify how those defects are to be remedied and the building brought to compliance with the Building Code. That is a matter for the owners to propose and for the authority to accept or reject.
- 11.2 Once the matters set out in paragraphs 6.4 and 8.1 have been rectified to its satisfaction, the authority should issue a code compliance certificate in respect of the building consent amended as in paragraph 12.3
- 11.3 I also note the variations from the consent drawings identified by the expert (see paragraph 5.2), and I leave these to the parties to resolve.

12. The decision

- 12.1 In accordance with section 188 of the Building Act 2004, I hereby determine that the alterations comply with Clause B2 and Clause E2 of the Building Code, and the tiled shower areas comply with Clause E3 of the Building Code.
- 12.2 I also determine that the vanity units and bench tops do not comply with Clause E3 of the Building Code and the alterations do not comply with Clause F4 of the Building Code, and accordingly, I confirm the authority's decision to refuse to issue a code compliance certificate.
- 12.3 I also determine that:
- (a) all the building elements installed in the alterations, apart from the items that are to be rectified as described in Determination 2010/117, complied with Clause B2 on 1 September 2005.

(b) the building consent is hereby modified as follows:

The building consent is subject to a modification to the Building Code to the effect that, Clause B2.3.1 applies from 1 September 2005 instead of from the time of issue of the code compliance certificate for all the building elements, except the items to be rectified as set out in paragraphs 6.4 and 8.1 of Determination 2010/117.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 30 November 2010.

John Gardiner
Manager Determinations