



Determination 2012/019

Refusal to issue a code compliance certificate for a 7-year-old house with monolithic cladding at 8 Kaikoura View, Mt Pleasant, Christchurch



1. The matter 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:

- the applicants, who are the owners, D and A Boreham (“the applicants”)
- Christchurch City Council (“the authority”), carrying out its duties as a territorial authority or building consent authority.

The prospective purchaser of the house (“the future owner”) is a person with an interest in this determination.

1.3 This determination arises from the decision of the authority to refuse to issue a code compliance certificate for a 7-year-old house. The refusal arose because:

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.

- the authority is not satisfied that the building work complies with certain clauses² of the Building Code (First Schedule, Building Regulations 1992); in particular in regard to its structure and to the weathertightness of its cladding
- the building work had been undertaken under the supervision of Nationwide Building Certifiers (“the building certifier”), which was registered as a building certifier under the Building Act 1991, but which ceased operating as a certifier before it had issued a code compliance certificate for the building work.

1.4 The matter to be determined³ is therefore whether the authority was correct to refuse to issue a code compliance certificate for the work. In deciding this, I must consider:

1.4.1 Matter 1: The external envelope

Whether the external claddings to the building (“the claddings”) comply with Clause B2 Durability and Clause E2 External Moisture of the Building Code. The claddings include the components of the systems (such as the concrete blocks, the backing sheets, the solid plaster, the decks, the windows, the roof claddings and the flashings), as well as the way components have been installed and work together. (I consider this in paragraph 7.)

1.4.2 Matter 2: The structure

Whether the house complies with Clause B1 Structure of the Building Code, taking into account its structural performance during earthquake activity since completion. (I consider this in paragraph 8.)

1.5 Matters outside this determination

1.5.1 Although the authority identified other items requiring attention, these are in the process of being resolved between the parties; and the applicants have restricted the application for this determination to the exterior envelope and the structure of the house. This determination is therefore limited to the matters outlined above.

1.5.2 The authority also raised concerns as to whether the building elements in the house comply with Clause B2 Durability of the Building Code, taking into account the age of the building work. However, I note that the applicants have applied for a modification of the requirements to allow durability periods to commence from the date of substantial completion of the house in 2005 and I therefore leave this matter to the parties to resolve once the house has been made code-compliant.

1.6 The evidence

1.6.1 This determination considers whether it is reasonable to issue a code compliance certificate for the house. In order to determine that matter, I have considered whether there is sufficient evidence to establish that the subject elements comply with the Building Code. I address this in paragraph 5.

1.6.2 In making my decision, I have considered:

- the submissions of the parties

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.

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

- the post-earthquake report of the engineering consultant (“the earthquake engineer”) commissioned by the future owner
- the report of the expert commissioned by the Department to advise on this dispute (“the expert”)
- the other evidence in this matter.

2. The building work

- 2.1 The building work consists of a large detached house, which is three-storeys-high in part and situated on a steep coastal site in a high wind zone for the purposes of NZS 3604⁴. The house steps down the north-facing slope; with a single-storey garage area to the north lower level, a three-storey-high central section and a single-storey sitting room to the south middle level. The house is complex in plan and form and is assessed as having a high weathertightness risk.
- 2.2 The building is located in ‘Port Hills and Banks Peninsular Area’ in the ‘DBH Residential Foundation Technical Categories, Central Area’ plan information published by the Department, dated 27 October 2011. No technical category applies to this particular site, and according to the legend on the plan, ‘normal consenting procedures apply’.

2.3 Construction

- 2.3.1 The lower basement level (“Level 1”) has a specifically engineered structure set into the slope of the site, with concrete foundations and floor slabs. Reinforced concrete block walls and retaining walls to Level 1 support a suspended composite concrete floor system consisting of pre-stressed concrete ‘planks’ at 900mm centres, timber infills and a reinforced concrete topping.
- 2.3.2 The suspended concrete floor extends under the central section of the middle level (“Level 2) and forms a roof deck above the single-storey garage. The timber-framed Level 2 and upper level (“Level 3”) in the three-storey-high section include specifically engineered bracing in the form of steel beams and columns.
- 2.3.3 The remaining construction is generally conventional light timber frame, with concrete slabs and foundations, monolithic wall cladding, aluminium windows, small areas of flat membrane roofing and sloping profiled metal roofs. Apart from several recesses, the 20° pitch hipped and gabled roofs have no roof overhangs.
- 2.3.4 Although advised by the owner that wall framing was treated, the expert was unable to confirm this. The specification called for ‘treated pinus radiata’ framing although the pre-line inspection on 31 May 2004 noted the exterior framing only as ‘KD frame’. I also note that, although specific requirements for treatment were introduced in April 2004, this did not take effect until March 2005. Based on the evidence, I am unable to determine the treatment level, if any, of the exterior walls.

⁴ New Zealand Standard NZS 3604:1999 Timber Framed Buildings

2.4 The claddings

- 2.4.1 The drawings called for the monolithic cladding to be a proprietary ‘solid render system’ consisting of three coats of fibreglass mesh-reinforced modified plaster finished with a textured coating system. That system has a current BRANZ appraisal⁵ and includes purpose-made flashings to windows, edges and other junctions. However, the specified plaster system was not installed.
- 2.4.2 The monolithic cladding installed is described as stucco over a solid backing of 4.5mm fibre-cement. The backing sheets are fixed through 20mm timber cavity battens and the building wrap to the framing, and covered by a slip layer of building wrap, metal-reinforced solid plaster and a flexible paint coating. The plaster system extends over the concrete block exterior walls, pillars, columns and beams.

2.5 The decks

- 2.5.1 The house includes three decks, the largest of which (“Deck 1”) is the Level 2 garage roof deck. The concrete deck floor is finished with a multi-coat fibreglass-reinforced liquid-applied membrane, with a fall to an internal gutter that drains into rainwater heads at each end. Level 1 concrete block walls extend as pillars to balustrade height, with glazed balustrades between. On the east, two concrete block pillars extend to support a reinforced concrete block flying beam above the garage door.
- 2.5.2 A second timber-framed deck to Level 2 (“Deck 2”) extends around the northwest corner of the living room. Deck 2 is supported on a concrete block column, with glazed balustrades and spaced timber decking.
- 2.5.3 A third small deck to Level 3 (“Deck 3”) is recessed beneath the northeast corner of the upper roof, with open metal balustrades, a monolithic-clad corner column and the soffit open to the garage deck below. The deck floor is butyl rubber membrane over plywood substrate, which falls to an external gutter.

3. Background

- 3.1 The authority issued a building consent (No. 10038166) for the house on 16 September 2003 under the Building Act 1991, based on a building certificate (2003-3529) issued by the building certifier on 27 August 2003.

3.2 Relevant consent conditions

- 3.2.1 The certifier’s building certificate included various conditions, including:
- Proprietary plaster system to be installed in full compliance with the manufacturers specifications. Applicators formal producer statement to be provided upon completion and prior to issue of code compliance certificate.
- 3.2.2 The authority’s building consent also included the following requirement for the monolithic cladding system (see paragraph 2.4.2):
- The building consent is subject to the following conditions, which must be satisfied before the Code Compliance Certificate can be issued:

⁵ BRANZ Appraisal Certificate No.477(2007)

The manufacturer's approved applicator of the exterior cladding system is to supply a certificate to [the authority] stating that the cladding has been installed to the manufacturer's specification.

3.2.3 The building certifier's scope of engagement included issuing a code compliance certificate, but excluded inspections of the specified monolithic cladding system. As part of the building consent, the authority included an 'estimate of construction inspections', which required the authority to carry out the following inspections:

Flashings – Windows and Doors
 Monolithic Cladding – Pre-Coating
 Final Inspection.

3.2.4 Consent documents included the structural engineer's ("the design engineer") 'producer statement – design' dated 7 August 2003, which listed the following inspections to be undertaken by the engineer:

1. Before each concrete pour.
2. Before each blockwork grouting.
3. Before internal linings are fixed into place.

3.3 The construction inspections

3.3.1 The building certifier carried out various inspections during construction, including:

- foundations and in October and November 2003 (which passed, with the latter noting 'engineer has inspected')
- retaining and block walls in November 2003 (which passed, noting 'engineer has been and inspected')
- floor slabs in December 2003 (which passed)
- drainage in April 2004 (which passed, noting 're-inspection required only to remaining work/uncompleted')
- pre-plaster inspection on 28 May 2004 (which passed as 'OK to plaster', noting wrap over the framing, cavity battens, wrap slip layer, 'netting' reinforcing, bottom flashings and vent moulding, and 'head, side and sill flashings round all openings')
- pre-line building and plumbing inspection on 31 May 2004 (which passed in part, noting 'No insulation on site as yet', 'Sanitary plumbing still being installed' and 'Engineer to inspect prior to linings being fixed')
- sheet bracing of 21 October 2004 (which passed).

3.3.2 It is apparent from the building certifier's inspection notes that the design engineer reviewed specifically designed elements during construction. However, I have seen no records of these inspections and a 'Producer Statement – PS4 – Construction Review' was not provided for these elements at the time. The building certifier's approval as a certifier expired on 30 December 2004 and the project was passed to the authority for completion of the required inspections.

3.4 The authority's inspections

- 3.4.1 Completion of construction appears to have been protracted as there are no records of further inspections until the authority inspected drainage on 20 September 2006. In December 2010, the applicants apparently entered into a contract to sell the house, subject to the provision of a code compliance certificate.
- 3.4.2 The authority carried out an initial final inspection of the house on 27 June 2011, and the inspection record noted 'unable to complete inspection due to limited consented paper work on site.' The record did not identify any defects, but noted 'auditor to check all required inspections completed' and recorded:
- Required, tanking statement for water proofing to deck, PS4 Construction Review from engineer, PS3 producer statement from solid plaster...
- 3.4.3 In an email to the applicants dated 1 July 2011, the authority listed documentation required, which included a formal application for a code compliance certificate and 'a waiver of durability' due to the age of the building consent.
- 3.4.4 According to the applicants, the design engineer has refused to issue a producer statement based on 'legal advice pertaining to the inability to sign off any work after the earthquakes of 04/09/10, 22/02/2011 and subsequent aftershocks, even though they have been paid for their work that was completed.'

3.5 The post-earthquake damage assessment

- 3.5.1 As mentioned in paragraph 1.6, the future owner commissioned an assessment of damage to the house following the 22 February 2011 earthquake. An engineer visited the house on 5 July 2011, providing a report dated 13 July 2011⁶.
- 3.5.2 The engineer noted that the assessment was based on a 'walk through inspection' limited to visual aspects only, with no coverings removed, drawings reviewed or 'detailed engineering conducted'; and the report was intended:
- ... specifically for the purpose of assessing earthquake damage to date and further inspection may be required in the event of significant aftershocks or other events that could affect the structural integrity of the building.
- 3.5.3 The engineer described damage as 'aesthetic in nature'; noting that the house appeared to be 'not significantly different in terms of structural strength than before the earthquake'. The report listed cracks in linings, sheet bracing, concrete block, plaster, garage slab and floor tiles; and suggested repairs to these areas.
- 3.5.4 The engineer also noted that there were no visual 'indications of ground movement, fissuring and/or liquefaction associated the earthquake'. However the report warned that further seismic movement could result in further damage and recommended regular monitoring of the house 'to review its integrity'.

3.6 The final inspection

- 3.6.1 Following email correspondence, the authority inspected the house again on 1 September 2011. The inspection 'failed' about 20 items that had not been

⁶ I note the assessment followed the 6.4M_L aftershock of 13 June 2011.

identified in the earlier inspection. In an email to the applicants, the authority listed defects and further documentation requiring attention.

3.6.2 In regard to the matters considered in this determination (see paragraph 1.5.1), items included (in summary):

External envelope

- cladding cracks
- incomplete areas of cladding
- insufficient fall to some butynol roof areas
- lack of diverters to direct water into gutters
- lack of access to assess stairwell skylight flashings
- lack of tanking at planter to wall junction
- lack of access to maintain drainage under timber decking at front door
- lack of inspection records of retaining wall tanking and drainage
- lack of producer statements for:
 - stucco cladding
 - butyl rubber membrane
 - liquid-applied membrane to Deck 1

Structure of the house

- in regard to the house structure
 - lack of design engineer's inspection records
 - lack of design engineer's producer statement for construction review

3.7 The Department received the application for a determination on 9 September 2011 and subsequently sought consent drawings and inspection records from the authority. Information held by the authority was received on 5 December 2011.

4. The submissions

4.1 The applicants' submission

4.1.1 The applicants and their lawyer made two separate submissions dated 14 and 15 September 2011 respectively. The lawyer outlined the background to the situation, and the applicants described the two final inspections and explained that they had tried to obtain the required documentation but were unable to obtain producer statements for the engineering review, the cladding, the roofing and the waterproofing.

4.1.2 The applicants forwarded copies of:

- the post earthquake site inspection report dated 13 July 2011
- the authority's final inspection records
- some correspondence with the authority

- various producer statements, warranties, certificates and other information.

4.2 At the Department's request, the authority forwarded copies of:

- the building certifier's building certificate and documentation
- the building consent and consent documentation
- the design engineer's 'Producer Statement – Design' dated 7 August 2003
- the consent drawings
- the building certifier's inspection records
- the authority's inspection records.

4.3 A draft determination was issued to the parties for comment on 21 February 2012. Both parties accepted the draft.

4.4 In an email to the Department on 1 March 2012 the lawyer for the applicant sought the inclusion of a timeframe for the issue of the notice to fix or a directive that the notice be issued 'as soon as possible'. I note that there are no provisions in the Act for stipulating a timeframe for an authority to issue a notice to fix, however, I acknowledge the applicant's desire to expedite matters and I suggest the authority issue the notice as soon as is practicable.

5. Grounds for the establishment of code compliance

5.1 In order for me to form a view as to the code compliance of the building work, I established what evidence was available and what could be obtained considering that the building work is completed and some of the elements were not able to be cost-effectively inspected. In the absence of any evidence to the contrary, I take the view that I am entitled to rely on the building certifier's inspection records, but I consider it important to look for evidence that corroborates these records.

5.2 I also consider that the level of that reliance is influenced by the information available to me and also by my evaluation of the building. In the case of this house, due to its weathertightness risk profile and the complexity of many junctions, I considered it particularly important to verify that the building certifier's inspections of the external envelope were properly carried out

5.3 In summary, I find that the following evidence allows me to form a view as to the code-compliance of the building work with Clauses B1, B2 and E2:

- The required inspections listed in the design engineer's producer statement – design (see paragraph 3.2.4)
- The inspections carried out by the building certifier, indicating satisfactory inspections of the inaccessible components and including various references to the design engineer's inspections (see paragraph 3.3).
- The authority's inspections of visible building elements (see paragraph 3.4 and paragraph 3.6).

- The post-earthquake damage assessment of visible structural elements (see paragraph 3.5)
- The expert's report below.

6. The expert's report

6.1 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 house on 12 January 2012, providing a report dated 7 February 2012.

6.2 General

6.2.1 The expert noted that the house construction appeared generally to have been 'carried out in a tradesman like manner', with wall claddings to a 'good standard, lines true and straight, surfaces uniform and consistent in texture' and roof claddings showing no 'significant defects'. Some remedial work and maintenance is required and is outlined in paragraph 6.5.

6.2.2 The expert noted that the house generally appeared to accord with the consent drawings, However, I note that the specified proprietary 'solid render' plaster system called for in the consent drawings has been replaced with metal netting reinforced stucco on a solid backing (see paragraph 2.4.2).

6.2.3 The expert was able to confirm the drained cavity behind the stucco by observing the base closure. At the window cut-out (see paragraph 6.3.1), the embedded metal netting, slip layer and fibre-cement backing sheets were visible (see paragraph 2.4.2).

6.2.4 The expert also observed minor damage resulting from the recent seismic activity but noted no 'obvious signs of structural failure'. The expert referred to the engineer's report, which outlined visible structural damage (see paragraph 3.5).

6.3 Windows and doors

6.3.1 Windows in the stucco are installed in line with wall framing, with plastered reveals of about 40mm and metal head and sill flashings. The expert removed a small section of plaster from a typical jamb to sill junction; observing aluminium angle soaker jamb flashings butted against sill flashings, which project well beyond jamb soakers and lack stop-ends. However, there was no sign of moisture penetration; with the steep sill slope likely to shed water before reaching the end of the sill flashing.

6.3.2 Joinery in concrete block is face-fixed against 25mm rebates in the blocks, with no visible head flashings. Plaster had been applied prior to window installation, but no drip edges were installed to prevent water tracking to head junctions and there were no scribes or evidence of seals installed at the jambs.

6.4 Moisture levels

6.4.1 The expert inspected the interior of the house, noting efflorescence staining a part of the interior face of the garage concrete block wall. Staining was concentrated under

the west end of the internal gutter to the concrete roof deck above, where the gutter drains through the concrete block into a rainwater head.

- 6.4.2 The expert observed a swollen skirting at the Level 1 northwest corner of Bedroom 4, which has strapped and lined concrete block walls and a downpipe directly outside the corner. The applicant explained that downpipe had been disconnected in the past, leading to moisture penetration. The expert took moisture readings using short pin probes, and noted moisture readings of 11% in the linings and 9% in the skirting, indicating that the area was no longer leaking since the downpipe was reconnected.
- 6.4.3 The expert carried out limited invasive moisture testing of the framing at sample areas considered to be at risk: below window jamb to sill junctions, deck to wall junctions, and beneath the ends of apron and barge flashings. The expert noted that all readings were consistently low, with dry and sound drillings.
- 6.5 Commenting specifically on the external envelope, the expert noted that:
- there are minor cracks and damage to claddings as a result of earthquake movement and these require attention to prevent moisture penetration

The concrete block walls

- windows in concrete block walls lack drip edges at head reveals and also lack seals or scribes to protect jamb junctions, with the final plaster coating overlapping jamb flanges
- at the junction of the east entry planter wall with the concrete block wall to Level 1 Bedroom 5, planter concrete and plaster was cut back to show a small section of block wall missing tanking at the junction

The decks

- the rainwater head and west outlet to the internal gutter to Deck 1 requires investigation, as moisture is penetrating into the garage concrete block wall, with efflorescence apparent on the interior face
- outer edges of the Deck 3 membrane are lifting, and maintenance is needed

The roofs

- the sitting room ridge flashing has moved at the overlapped mid-ridge junction and fixings are loose
- at barge to fascia junctions, there is a risk that the profiled metal barge flashings could direct water behind corner soakers and into drained cavities
- although the bottom of apron flashings include diverters, there are minor cracks that require maintenance
- some outer edges of membrane roofs are lifting, and maintenance is needed.

- 6.6 A copy of the expert's report was provided to the parties on 10 February 2012.

Matter 1: The external envelope

7. Weathertightness

7.1 The evaluation of building work for compliance with the Building Code and the risk factors considered in regards to weathertightness have been described in numerous previous determinations (for example, Determination 2004/1).

7.2 Weathertightness risk

7.2.1 This house has the following environmental and design features which influence its weathertightness risk profile:

Increasing risk

- the house is sited in a high wind zone
- it is three-storeys-high in part, with some complex junctions
- there are no eaves to shelter the claddings and one framed enclosed deck
- the external wall framing treatment is unknown

Decreasing risk

- the enclosed deck is sheltered under the roof and is open below
- the basement level has masonry walls, with a suspended concrete floor above
- the stucco cladding to upper floors is fixed over a cavity.

7.2.2 When evaluated using the E2/AS1 risk matrix, all elevations of the house demonstrate a high weathertightness risk rating.

7.3 Weathertightness conclusion

7.3.1 Generally the claddings appear to have been installed in accordance with good trade practice and manufacturer's instructions where applicable at the time. However, taking account of the expert's report, I conclude that further investigation and remedial work is necessary in respect of the areas identified in paragraph 6.5.

7.3.2 I consider the expert's report establishes that the current performance of the building envelope to Level 2 and Level 3 is adequate because there is no evidence of moisture penetration at present. However, due to evidence of moisture penetration into some Level 1 concrete block walls, I am satisfied that the house does not comply with Clause E2 of the Building Code.

7.3.3 In addition, the building envelope is also required to comply with the durability requirements of Clause B2. Clause B2 requires that a building continues to satisfy all the objectives of the Building Code throughout its effective life, and that includes the requirement for the house to remain weathertight. Because the cladding faults will continue to allow the ingress of moisture in the future, the building envelope does not comply with the durability requirements of Clause B2.

- 7.3.4 Because the faults identified in the external building envelope occur in discrete areas, I am able to conclude that satisfactory investigation and rectification of the items outlined in paragraph 6.5 will result in the house being brought into compliance with Clauses B2 and E2 of the Building Code.
- 7.3.5 Effective maintenance of claddings is important to ensure ongoing compliance with Clauses B2 and E2 of the Building Code and is the responsibility of the building owner. The Department has previously described these maintenance requirements (for example, Determination 2007/60).

Matter 2: The structure

8. Clause B1 Structure

- 8.1 In assessing the compliance of this house with Clause B1 and Clause B2 insofar as it applies to B1, I have taken into account:
- the required inspections listed in the design engineer's producer statement
 - the building certifier's and the authority's inspection records
 - the post-earthquake damage assessment of visible structural elements
 - the expert's comments on compliance after seven years.
- 8.2 Taking account of the recent earthquake stresses imposed on the structure, I have first considered the likely structural compliance of this house when it was completed in 2005 and have then addressed the question of its apparent ongoing compliance following the earthquake activity.

8.3 Structural compliance at the time of completion

- 8.3.1 The design engineer's producer statement listed inspections required during construction (see paragraph 3.2.4), which clearly indicated the design engineer's intention to inspect all slab, foundation and blockwork reinforcing, as well as the specifically designed steel bracing before interior linings were installed.
- 8.3.2 The building certifier's inspection records note satisfactory inspections of foundations, retaining walls, floor slabs and other structural elements, with clear references made to engineering inspections.
- 8.3.3 The only signs of movement after seven years appear to be the minor damage incurred during recent earthquake activity, which indicates the satisfactory structural performance of the structure during significant seismic stress.
- 8.3.4 Based on the above, I am satisfied that the house complied with the structural provisions of the Building Code at the time it was constructed.

8.4 Continuing structural compliance

- 8.4.1 The continuing compliance must also be considered in the light of recent seismic activity. The post-earthquake assessment of visible structural elements in July 2011

concluded that damage appeared to be limited to minor surface cracking of claddings and linings, and noted that the house generally appeared to be the same in terms of structural strength as it was prior to the earthquakes.

- 8.4.2 However, the report also noted that the assessment was based on a limited visual inspection only, with no linings removed to investigate the underlying construction. Some diagonal cracking and cracking along sheet joints was observed in plasterboard walls, some of which are likely to be in sheet bracing.
- 8.4.3 The durability requirements of Clause B2 require the structure to continue to comply with the Building Code throughout its effective life. Due to the limited nature of the post-earthquake assessment, I have insufficient evidence to be satisfied that the house complies with the requirements of Clause B1.
- 8.4.4 I therefore consider that a more detailed engineering assessment by an engineer is required, which may require the removal of linings, and the like, to verify concealed structural elements.

9. What is to be done now?

- 9.1 The authority should issue a notice to fix that requires the owner to bring the house into compliance with the Building Code, identifying the defects and investigations listed in paragraph 6.5 and paragraph 8.4.4 and referring to any further defects that might be discovered in the course of investigation and rectification, but not specifying how those defects are to be fixed. It is not for the notice to fix to specify how the defects are to be remedied and the building brought to compliance with the Building Code. That is a matter for the owner to propose and for the authority to accept or reject.
- 9.2 I suggest that the parties adopt the following process to meet the requirements of paragraph 9.1. The applicant should respond to the notice to fix with a detailed proposal, produced in conjunction with a competent and suitably qualified person, as to the rectification or otherwise of the specified matters. Any outstanding items of disagreement can then be referred to the Chief Executive for a further binding determination.
- 9.3 I note that the authority required the provision of some producer statements, which the applicants are now unable to provide due to the age of the construction. While producer statements may form part of evidence used to establish the compliance of various elements in a building, they are not the only evidence that can be considered. In the case of this house, I am satisfied that compliance with the Building Code is able to be established without the provision of producer statements for the subject elements.

10. The decision

- 10.1 In accordance with section 188 of the Building Act 2004, I hereby determine that the building envelope does not comply with Building Code Clauses B2 Durability and E2 External Moisture, and accordingly I confirm the authority's decision to refuse to issue a code compliance certificate.
- 10.2 I have insufficient evidence at this time to determine whether the house complies with Clause B1 Structure.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 9 March 2012.

John Gardiner
Manager Determinations