

Liability for leaky home repairs remain uncertain

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A Whitby couple face a \$465,000 recladding bill for their leaky home after an assessor said the repairs required to make it weathertight would cost \$7500.

John and Christine de Roo, both 54, are trying to hold a number of people and agencies accountable but say everyone is "running for cover".

The couple bought the four-bedroom home in March 1999. On Christmas Day that year, they discovered it was leaky when rain suddenly poured in over presents under the tree.

The now-struck-off company that built the home, Hayward Builders Ltd, agreed to fix the internal gutter blamed for the leak but after several failed attempts, the de Roos called another builder to fix the problem.

Assured the second builder had fixed it, the de Roos filed a claim with the Weathertight Homes Resolution Service (WHRS) in 2003. Its assessor checked the house and told them it would take about \$7500 of repairs to make it weathertight.

The de Roos settled with Porirua City Council, Hayward Builders and the real estate agent who sold them the property for the cost of the repairs and a promise of a fix.

However, in 2012, the couple struck trouble selling the house and discovered the extent of their home's leaky problems. A second WHRS assessor deemed it needed a \$465,000 reclad - a daunting sum for the couple, whose life savings were in the \$710,000 house. John was also diagnosed with early onset Parkinson's disease in 2009, creating fears he might not have many working years left.

They lodged a second claim with the Weathertight Homes Tribunal against the council, WHRS and its contracted assessor, Dougal McLellan, plus builders Richard Hayward and Michael Johnson.

"This is a last-ditch attempt to salvage something at this stage . . . [we're feeling] fed up, we've had enough," Christine de Roo said. Their claim was complicated because it was lodged more than 10 years after the code of compliance was issued.

All parties except Johnson, who was unable to be contacted, asked to be removed from the claim and argued they were not liable. The applications are still being decided.

When contacted by The Dominion Post, the council and McLellan declined to comment, Hayward did not return phone calls and Johnson could not be contacted.

Lawyer Dan Parker, a leaky homes specialist, said it was not uncommon for assessors to underestimate damage to a leaky home and for targeted repairs to have failed. "It's a real risk to take those [WHRS assessments] at face value and not have their own experts to check the house out and get as much robust information as possible about what needs to be done to fix it."

Weathertight Homes Resolution Services general manager Adrienne Meikle declined to comment on the de Roos' case but said she was "unaware of widespread issues of the kind raised in this case".

Although the service took steps to ensure assessors were qualified and aimed to provide assessment for claimants to make informed decisions, it was not a guarantee, she said.

"Assessment reports are the independent opinion of the assessor who undertake them. An assessment is not a guarantee that all current damage has been identified.

"Accuracy of that level could only be achieved by fully removing all of a properties' cladding as part of the assessment."

BY THE NUMBERS

How much has been paid out?

Porirua City Council – \$2.2 million paid so far for about 20 claims over the past decade, 14 claims to be resolved through the Weathertight Homes Resolution Service.

Wellington City Council – would not give a total figure, but has 431 properties with active claims, reduced to 89 active claims because multi-unit properties are considered one claim. A \$13m leaky-building claim taken by residents of 29 apartments built on top of the Left Bank car park building was settled in May this year.

Hutt City Council – paid out \$660,000 in the past financial year and has seven active claims with WHRS.

Upper Hutt City Council – paid out \$884,000 for four claims and has four other active claims with WHRS.

Kapiti District Council – would not give a total figure on claims paid out, but has 13 properties with active claims with WHRS, being resolved in 10 applications.

- The Dominion Post