



Annual Report of the

WEATHERTIGHT HOMES TRIBUNAL

For the 12 months ended 30 June 2025

Presented to the Minister of Justice and the Minister of Housing

WEATHERTIGHT HOMES TRIBUNAL

OVERVIEW

I, Kevin Kilgour, Chair of the Tribunal, present the annual report of the Weathertight Homes Tribunal for the period commencing 1 July 2024 and ending 30 June 2025.

The Tribunal, for the past 18 years, has been producing high quality and timely decisions and orders. The financial year, notwithstanding the fewer claims requiring adjudication, nevertheless produced a great deal of activity, which resulted in multiple challenging interlocutory applications and procedural orders. There were no new claims filed. The Tribunal is currently adjudicating its remaining 10 claims.

JURISDICTION AND GENERAL INFORMATION

The Tribunal was established in 2007 by section 101 of the Weathertight Homes Resolution Services Act 2006 (the Act). The Tribunal is now solely based in Auckland.

The Tribunal was established as the then government's response to the "leaky homes crisis". It enabled claims by owners of dwelling houses (standalone homes, townhouses, and apartments) to be heard and resolved more quickly and certainly more economically than in the general courts.

Claimant owners of "leaky homes" have the option of bringing a claim against the responsible impugned parties in either the Tribunal or in the general courts. The causes of action are in tort, contract and statutory liability. The Tribunal has concurrent jurisdiction in these legal areas with the High Court.

The claims are usually against one or more of the local territorial authorities, builders, subcontractors, developers, and other building trades.

It is well known that the primary function of the Tribunal is to expeditiously hear and determine claims for adjudication under the Act.¹

The Tribunal is required, and indeed does, manage adjudication proceedings to ensure they are speedy, flexible, and cost effective. The Tribunal operates in an inquisitorial or investigative manner, as allowed by the Act.² It may grant any remedy that can be claimed in a general court of law. The Tribunal though, has limited powers to award costs.³ The claims brought before the Tribunal range in value and remediation costs. Over the course of the Tribunal, many claims have been, and even now are, in the many millions of dollars.

Appeals

A party to a claim determined by the Tribunal may appeal on a question of law or fact arising out of the decision. Presently, there are no appeals from a Tribunal determination.

There are, however, two appeals, from costs awards arising out of the same determination, waiting to be heard by the Queenstown District Court.

Parties may also seek judicial review of the Tribunal's decisions in the High Court. There is no decision presently in judicial review.

Publication of Tribunal Decisions

The Tribunal must give public notice of every determination.⁴

The Tribunal has a website page, accessible as part of the Ministry's website. All the Tribunal's determinations, and many of its orders, are published on the website.

Membership

In the early part of this fiscal year, there were two part time members of the Tribunal, Paul Cogswell as Chair, and me as a member.

¹ Weathertight Homes Resolution Services Act 2006, s 62.

² Section 73(1)(a).

³ Sections 50(1), 91.

⁴ Section 100(1)(a).

Paul Cogswell was elevated to the High Court in November 2024, and I became Chair and the sole remaining member. I am about to enter my 18th year on the Tribunal. I anticipate that 2026 should be my last year and the Tribunal's last functioning year.

Registry

The administrative and financial support of the Tribunal is provided by the courts and tribunal's division of the Ministry of Justice.

The Ministry provides such staff as are necessary for the Tribunal to perform its functions effectively.⁵ No Registrar has been appointed, although the Act provided for such an appointment.⁶ The day-to-day administration of the Tribunal is headed by Ms Jan Pilkington as Service Manager for the jurisdiction. The Tribunal's long standing Case Manager is Ms Kate Bishop. She is ably assisted by Ms Angelberta Wilson. Ms Dianne Turner, judicial personal assistant, provides timely and very necessary secretarial services.

I have access to a legal research person. Mr Matt Tumohe, an experienced researcher, presently provides those services to me.

I greatly thank these officers for their excellent support.

Claims before the Tribunal

There are presently 10 claims before the Tribunal. The oldest claim filed in 2021 involves a small apartment block in Wellington. The remaining were all filed in 2023 and involve a standalone dwelling house in Ashhurst, a large home in Eastbourne and there are seven Auckland standalone dwelling house claims. All are timetabled beyond interlocutory matters, through to a stage leading to resolution. All expected interlocutory applications have been resolved by the Tribunal. A number of those timetables extend into 2026.

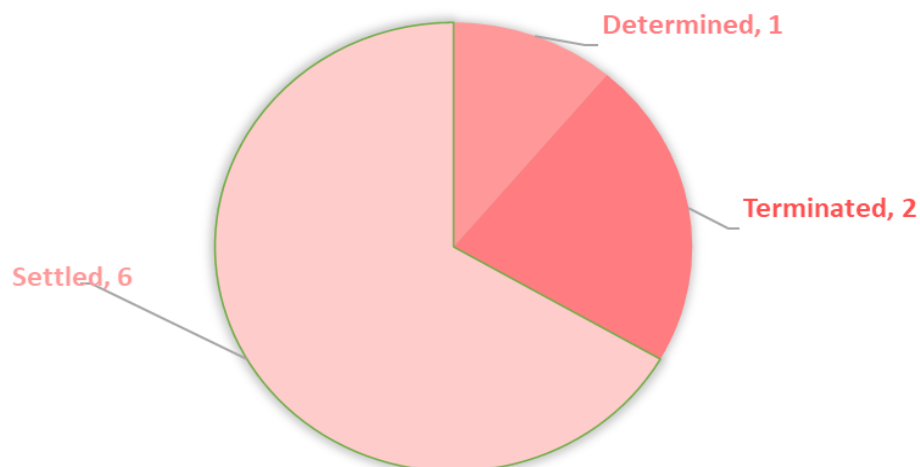
⁵ Section 108.

⁶ Section 108(1).

The table below summarises the received and finalised claims for the reporting period.

	Active Claims	Inactive - on hold or settled	Total	Claims Determined	Claims Terminated	Claims Settled	Total Claims Finalised	Active Claims	Inactive - on hold or settled	Total	Total Procedural Orders Issued
	On hand start of month			Finalised cases				On hand end of month			
July 2024	16	3	19	0	0	1	1	15	3	18	3
August 2024	15	3	18	1	0	1	2	14	2	16	3
September 2024	14	2	16	0	0	0	0	14	2	16	1
October 2024	14	2	16	0	1	1	2	12	2	14	8
November 2024	12	3	14	0	1	1	2	11	1	12	12
December 2024	11	1	12	0	0	1	1	11	0	11	10
January 2025	11	0	11	0	0	0	0	11	0	11	3
February 2025	11	0	11	0	0	0	0	11	0	11	3
March 2025	11	0	11	0	0	0	0	11	0	11	5
April 2025	11	0	11	0	0	0	0	11	0	11	2
May 2025	11	0	11	0	0	1	1	10	0	10	3
June 2025	10	0	10	0	0	0	0	10	0	10	1
Totals year to date				1	2	6	9				54

The pie chart below shows a breakdown of how the 9 finalised cases were resolved:



Since the Tribunal began in April 2007, it has received 1244 claims. The charts in Appendix 1 break down the number of claims received by year, and how those claims have been resolved. As noted above, of those 1244 claims, there are still 10 claims active.

It is my expectation the Tribunal will complete its functions by the end of 2026. It must be noted, however, that with litigation, timetables for various reasons, are often extended to accommodate the parties and proceedings.

THE YEAR AHEAD

The year ahead will likely feature resolution of the current 10 claims. There will be no new claims to resolve.

Once all current claims are resolved, closure of the Tribunal is the final step.

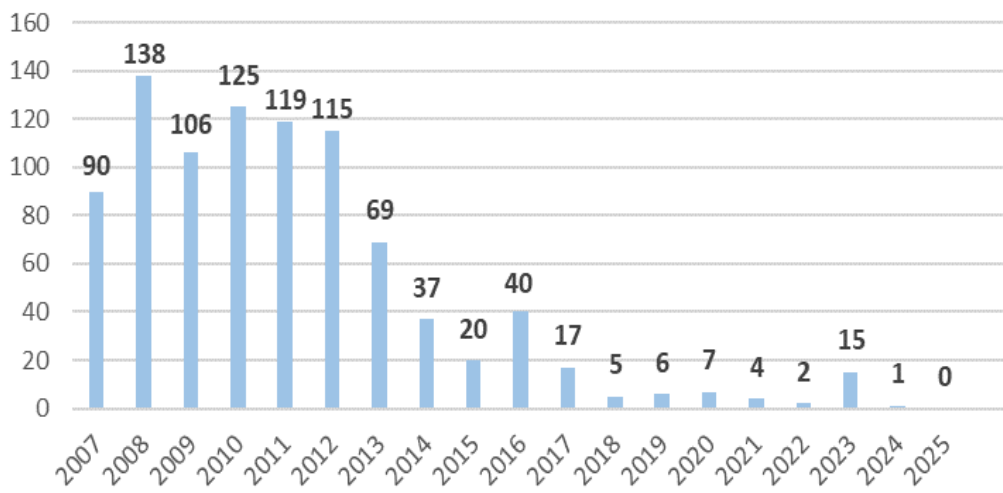


Kevin Kilgour
Chair
24 July 2025

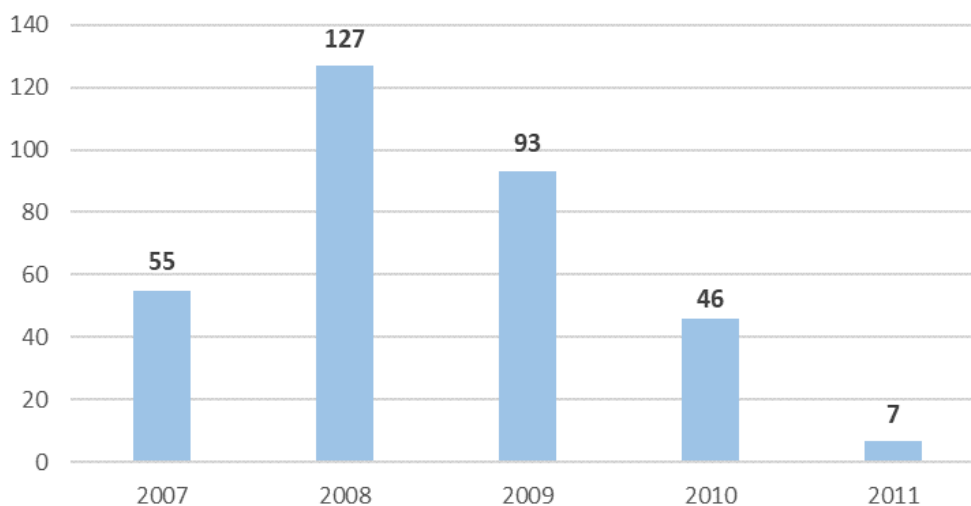
The charts below give a summary of the number of claims received by year, and how those claims have been resolved.

Of the 1244 total claims filed, 916 were filed in the Auckland Tribunal and 328 in the Wellington Tribunal. Of the total 1244 claims, 1234 have been resolved and 10 claims are still active.

**Claims received 1 April 2007 - 30 June 2025
Auckland Tribunal (916)**

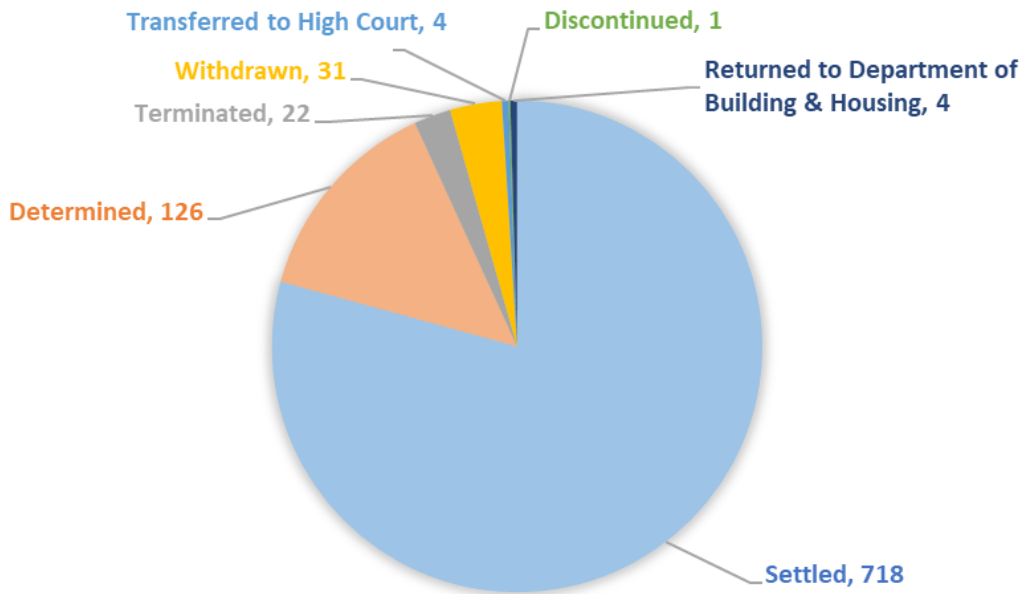


**Claims received 1 April 2007 - 30 June 2025
Wellington Tribunal (328)**



Of the 1234 claims that have been resolved, 906 were in the Auckland Tribunal, and 328 in the Wellington Tribunal.

The pie chart below shows how the 906 Auckland Tribunal claims were resolved.



The pie chart below shows how the 328 Wellington Tribunal claims were resolved.

