



Misunderstanding that led to decision to refuse to issue a Code Compliance Certificate

Legislation	Ombudsmen Act 1975
Agency	Rotorua Lakes District Council
Ombudsman	Peter Boshier
Case number(s)	548091
Date	14 July 2021

Decision by the Council to decline to issue a Code Compliance Certificate for solid fuel heater – Ombudsman inquiries with the Council resulted in the decision being reversed, the Council obtaining the necessary outstanding document from the contractors, and an apology being given to the complainant – complaint resolved without need for formal investigation

Background

In March 2019, the complainant installed a solid fuel heater to replace his non-compliant wood burner. Staff from Rotorua Lakes District Council (the Council) inspected the solid fuel heater on 1 April 2019, and told the complainant about the requirements of obtaining a Code Compliance Certificate. On 9 April 2019, the complainant provided relevant documentation to the Council, and requested that the Council let him know if anything else was required.

In February 2021, the Council informed the complainant that the documentation required to issue a Code Compliance Certificate was still outstanding. The complainant contacted the Council but was unable to resolve the issue. Council staff informed him that a different form was needed, but the complainant understood that he had already provided the relevant information. He felt Council staff had not responded to the actions he had taken to follow the initial advice he received.

In March 2021, the complainant approached the Ombudsman with his concerns about the process. He also raised a concern that he had been treated in an unprofessional manner. At that stage, the complainant was advised to contact the Chief Executive of the Council.

In May 2021, the complainant advised the Ombudsman that he had not received any response from the Chief Executive to his complaint. He also advised that the Council had confirmed its decision to refuse to issue a Code Compliance Certificate.

Preliminary inquiries

Inquiries were made with the Council about both its lack of response to the complaint to the Chief Executive, as well the circumstances behind the Council's decision to refuse to issue the Code Compliance Certificate. The Council was asked if there was a way in which the situation could be resolved, rather than seeking a determination on its decision with the Ministry of Business, Innovation, and Employment.

In response to these inquiries, the Council advised that there had been a misunderstanding about the 'statement of compliance' provided by the installer and the application needed for a Code Compliance Certificate. The Council acknowledged it had not handled the matter well. The Council contacted the contractors on behalf of the complainant and obtained the outstanding documentation. The Council then issued the Code Compliance Certificate. The Council also apologised to the complainant for not responding to his complaint, and for the misunderstanding about the matter.

Outcome

As the Ombudsman's inquiries resolved the complaint, no investigation was necessary.

The complainant subsequently contacted the Ombudsman to advise that he was sincerely grateful for the assistance provided in resolving his complaint.

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