

# MURDOCH PRICE

Barristers & Solicitors

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277 Te Irirangi Drive (near Cnr Ormiston Road), Botany Junction  
PO Box 217 006, Botany Junction, Manukau 2164, New Zealand  
Ph: (09) 271 5880 Fax: (09) 271 5876 DX EP 83003, Botany Junction

## COMMERCIAL BUILDINGS & BUILDING CONSENTS

A significant issue for commercial property owners for all buildings constructed since 1991 is a criminal offence under the Building Act.

It is an offence to use or permit to be used any part of a building intended for public use for which a building consent has not been granted or a code compliance certificate not issued for a building consent that has been granted.

Most commercial buildings have an element of public (e.g. customer) access.

If you are buying a commercial building or having one built then make sure that the contract includes a requirement that you do not have to take possession until a code compliance certificate is issued.

Lenders will usually require a code compliance certificate before advancing the loan monies for a purchase.

Don't become confused with the difference between a code compliance certificate and a compliance schedule which is required for a building warrant of fitness. Not every commercial building requires a building warrant of fitness. Only those buildings which have systems such as fire sprinklers or lifts. A compliance schedule lists those systems requiring an annual warrant of fitness certificate from a recognised service agency for that system.