



INSIDE THE LAW

Protecting what you've built.
Powering what comes next.

SPRING 2026



Trusted legal advice for individuals, families, and businesses.

INSIDE THIS ISSUE

Page 3 — Tiny Homes and Granny Flats: Opportunity, risk and what you need to know.

Page 4 — Work Licence and Limited Licence Applications in New Zealand

Page 5 — Harassment and Restraining Orders in New Zealand (Civil Harassment)

Page 6 — Enforcement of a Disputes Tribunal Decision in New Zealand

WELCOME FROM THE DIRECTOR

Welcome to the Spring 2026 edition of Inside the Law, the second of our new-look newsletters.

We have recently welcomed Kim Hoods and Mauricio Kimura to our team. We are delighted to have them on board and look forward to introducing them more fully to our clients and wider community.

In this edition, we focus on several practical legal issues that can arise in everyday life. We look at Tiny Homes and Granny Flats and highlight the important things to look out for in purchasing or building one; when a limited or work licence may allow someone who has lost their driver licence to continue driving for work or other essential purposes; the protection available through restraining orders where someone is experiencing harassment; and what you can do when you have successfully obtained a Disputes Tribunal order but the other party does not pay or comply.

September is also Wills Month in New Zealand, providing a timely reminder to make sure you have a will and that it still reflects your wishes. If you have not reviewed your will for some time, particularly if there have been changes involving relationships, children, property, trusts or the people you have chosen to administer your estate, now is a good time to do so. A relatively simple review can help avoid uncertainty and difficulties for your family later.

As always, we hope you find this edition of Inside the Law informative and useful. If anything covered in these pages raises a question for you, please get in touch with our team. We are always happy to help.

Peter Montagna
Director



TINY HOMES AND GRANNY FLATS: OPPORTUNITY, RISK AND WHAT YOU NEED TO KNOW.



Tiny homes and granny flats are becoming an increasingly attractive housing option, whether for family accommodation, rental income or a more affordable way to live. But the rules can be more complicated than the term “tiny home” suggests, and getting them wrong can be costly.

What changed in 2026?

From early in 2026, new nationwide rules allow qualifying small standalone dwellings of up to 70 m² to be built without building or resource consent. The exemption is intended to make straightforward granny-flat developments easier and cheaper.

However, it is not a free-for-all. To qualify, the dwelling must be new, standalone, single-storey, of simple design and no more than 70 m². It must still comply with the Building Code, the work must be carried out or supervised by authorised building professionals, and the owner must obtain a Project Information Memorandum (PIM) and notify the council when the work is completed.

Development contributions and other property-related restrictions may also still apply.

Not every tiny home is a granny flat

There is no single legal definition of a “tiny home”. A small house on foundations will generally be treated as a building, while a home on wheels may be a vehicle, a building, or both, depending on how it is constructed and used.

This distinction matters. A tiny home advertised as “consent-free” may still require consent or need to meet other legal requirements. Buyers should be particularly cautious about relying solely on a supplier’s description.

Check the title as well as the building rules

Even where the 70 m² exemption applies, the property title may create obstacles. Covenants, easements, cross-leases and body corporate rules can restrict additional dwellings. Services such as water, wastewater and electricity also need to

be considered.

If the dwelling will be rented, tenancy law and Healthy Homes requirements may also apply.

Construction quality remains critical

Removing the need for a building consent does not remove the obligation to build properly. Poor weathertightness, insulation, ventilation or structural work can lead to leaks, mould, health problems and significant repair costs.

Contracts are therefore especially important. They should clearly address specifications, Building Code compliance, warranties, completion dates, defects, progress payments and what happens if the builder becomes insolvent.

Large upfront deposits or heavily front-loaded progress payments deserve particular caution. If a builder fails part-way through construction, recovering money or securing ownership of an unfinished unit can become difficult.

Before you commit

A granny flat or tiny home can be a very useful addition to a property, but the legal pathway should be checked before designs are finalised or money is committed.

Blackwood Montagna can assist with title issues, contracts, property and planning questions, tenancy arrangements and disputes involving defective building work or builder insolvency. Early advice can help ensure that the apparent simplicity of a tiny home does not result in an unexpectedly large legal problem.

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WORK LICENCE AND LIMITED LICENCE APPLICATIONS IN NEW ZEALAND

What is a Limited Licence?

A limited licence, commonly referred to as a “work licence”, allows a disqualified driver to continue driving in limited circumstances during a period of disqualification.

A limited licence can be granted by the Court where a driver can demonstrate that the disqualification would cause undue hardship to them or another person, and that granting the licence would not create an undue risk to public safety.

Limited licences are commonly sought by individuals who need to drive for work, attend medical appointments, care for family members, or meet other essential commitments.

Who Can Apply for a Limited Licence?

Eligibility depends on the reason for the disqualification and the driver’s history. In many cases, a person who has been disqualified from driving may apply for a limited licence after serving the required stand-down period.

However, limited licences are not available in all circumstances, particularly where the disqualification arises from certain serious driving offences or repeat offending.

Obtaining legal advice early is important to determine whether you are eligible to apply.

ELIGIBILITY DEPENDS ON THE REASON FOR THE DISQUALIFICATION AND THE DRIVER’S HISTORY.

What Does the Court Consider?

When deciding whether to grant a limited licence, the Court will consider:

- The hardship caused by the disqualification;
- The impact on family members, employers or employees;
- The applicant’s driving history;
- The reason for the disqualification; and
- Whether granting the licence would pose a risk to public safety.

The Court must be satisfied that the hardship suffered is greater than the ordinary inconvenience experienced by someone who loses their licence.

What Restrictions Apply?

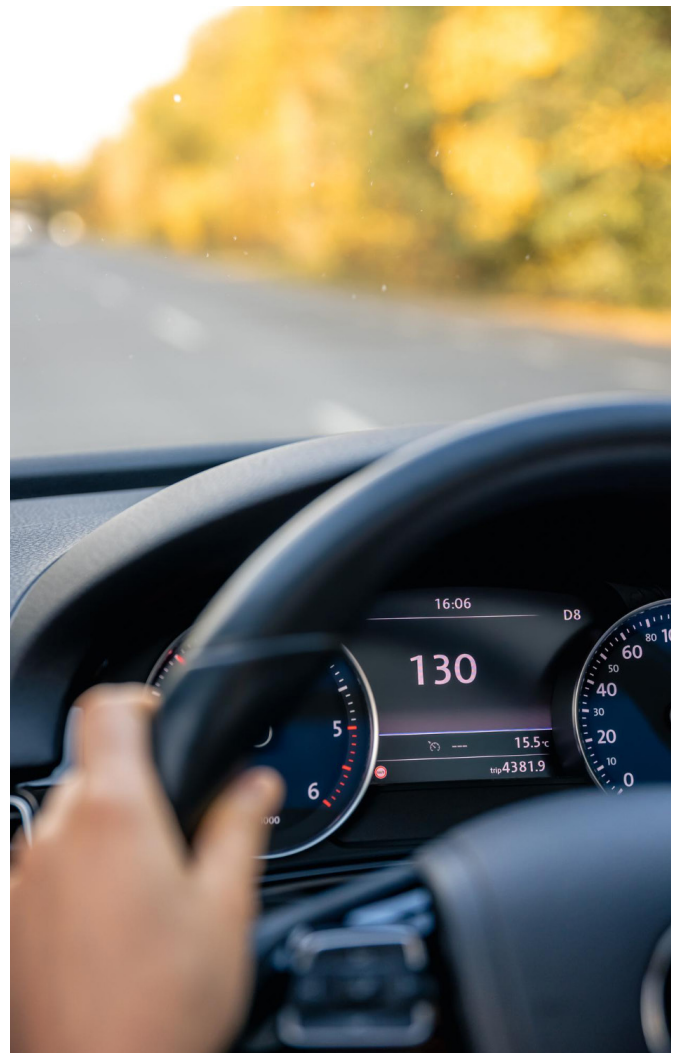
If granted, a limited licence will usually restrict:

- The times you may drive;
- The locations or routes you may use;
- The purpose of the travel; and
- The vehicle or vehicles you may drive.

How We Can Help

We regularly assist clients throughout Auckland with limited licence and work licence applications. We can advise on eligibility, prepare the necessary evidence and affidavits, liaise with Police regarding your application, and represent you in Court to maximise the prospects of a successful outcome. Fixed-fee options may be available in appropriate cases.

If you have lost your licence and need to continue driving for work, family or other essential commitments, contact us to discuss your options.



HARASSMENT AND RESTRAINING ORDERS IN NEW ZEALAND (CIVIL HARASSMENT)

What is the Harassment Act 1997?

In New Zealand, restraining orders for harassment are made under the Harassment Act 1997 ("Act"). The Act is designed to protect individuals from ongoing patterns of behaviour that cause distress, fear, or anxiety, particularly where there is no close family or domestic relationship between the parties.

It is commonly used in neighbour disputes and ongoing conflicts between individuals in the community.

What Counts as Harassment?

Harassment under the Act involves a pattern of behaviour directed at another person on at least two separate occasions within a 12-month period.

This can include:

- Repeated unwanted communication (texts, emails, calls);
- Following, watching, or loitering near a person's home or workplace;
- Repeated visits to a neighbour's property causing distress;
- Intimidating or threatening behaviour;
- Persistent complaints or confrontational conduct escalating over time.

In neighbour disputes, harassment often arises from ongoing conflict over boundaries, noise, parking, pets, or property use.

**EARLY LEGAL ADVICE
CAN HELP PROTECT YOUR
SAFETY AND RESOLVE THE
SITUATION QUICKLY.**

Harassment Orders and Restraining Orders

If harassment is established, the District Court can issue a restraining order to protect the applicant.

A restraining order may prohibit the respondent from:

- Contacting or communicating with the applicant;
- Approaching or entering specified locations (including a neighbour's property);
- Following or watching the applicant;
- Engaging in further harassing behaviour.

Orders are designed to stop ongoing conduct and prevent escalation.

What Does the Court Consider?

When deciding whether to grant a restraining order, the Court will assess:

- Whether harassment has occurred as defined by the Act;
- The seriousness and frequency of the behaviour;
- The impact on the applicant's safety, wellbeing, and daily life;
- Whether an order is necessary to protect the applicant in the future.

The Court must be satisfied that there are reasonable grounds to believe harassment will continue if no order is made.

Breach of a Restraining Order

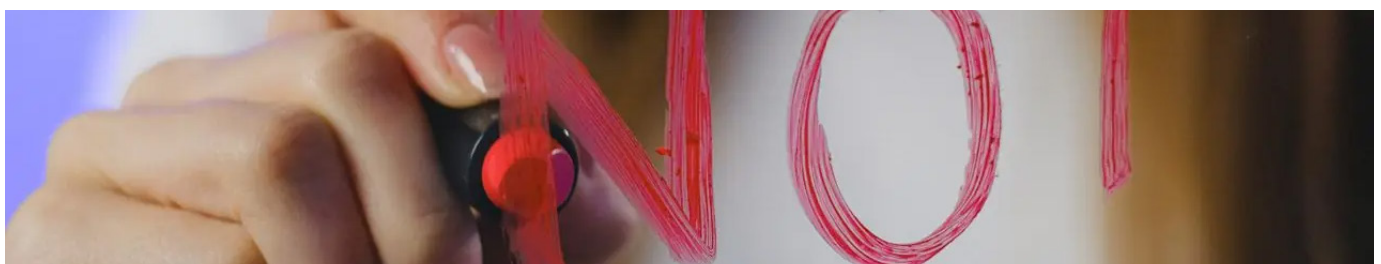
Breaching a restraining order is a criminal offence in New Zealand and can result in a fine or imprisonment.

This makes restraining orders a strong legal mechanism for stopping ongoing harassment.

How We Can Help

We assist clients with harassment and restraining order applications, and we can advise on whether your situation meets the legal threshold, prepare supporting evidence and affidavits, and represent you in the District Court.

If you are experiencing ongoing harassment or conflict, early legal advice can help protect your safety and resolve the situation quickly.



ENFORCEMENT OF A DISPUTES TRIBUNAL DECISION IN NEW ZEALAND



A decision from the Disputes Tribunal is legally binding once it is sealed, and it can be enforced through the District Court if the other party does not comply. The Tribunal itself does not enforce orders, but the District Court treats the decision as if it were its own judgment.

Before taking enforcement steps, it is important to confirm the order is sealed. In many cases, compliance can still be achieved without formal enforcement simply by sending a copy of the order with a written demand for payment or performance, as this often prompts settlement once the losing party understands the consequences.

If voluntary compliance does not occur, the order can be registered in the District Court and enforced using standard Court mechanisms. The most common methods are a warrant to seize property, which allows Court officers to sell assets to recover the debt, or an attachment order, which enables deductions from wages or bank accounts. In some situations, an examination of the debtor's financial position may also be ordered to assist in identifying the best enforcement pathway.

Recovery ultimately depends on whether the debtor has sufficient income or assets. In practice, enforcement is most effective when action is taken promptly, as delays can make recovery more difficult.

Overall, a Disputes Tribunal decision is fully enforceable, and while the Tribunal itself does not oversee collection, the District Court provides clear and effective mechanisms to ensure compliance where necessary.

**ENFORCEMENT IS MOST
EFFECTIVE WHEN ACTION IS
TAKEN PROMPTLY.**

DISCLAIMER

This publication is intended as a general overview and discussion of the subjects dealt with and does not create a lawyer-client relationship. It is not intended to be, and should not be used as, a substitute for taking legal advice in any specific situation.

We will accept no responsibility for any actions taken or not taken on the basis of this publication.



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