BUILDING DEFECT RESOLUTION PROCESS

01 — PROCESS STEP 1: FACTS

FACTS BASED APPROACH: Obtain a facts-based building report from a Registered Building Practitioner detailing 'What', 'Where' and 'Why' the items are considered defective.

02 — PROCESS STEP 2: COMMUNICATION

COMMUNICATION: Via phone, ask Supervisor/Client Liaison to clarify when the items will be closed out. Follow this phone call up with an "As discussed…" email.

03 — PROCESS STEP 3: BUMP IT UP THE CHAIN

BUMP IT UP THE CHAIN: No action from Supervisor? Get the details of the Construction Manager, Regional Manager and/or Builder and send the report onto them requesting them to review and respond.

04 — PROCESS STEP 4: SITE MEETING

SITE MEETING: Request a site meeting with management as inaction is continuing. Request a meeting with the Construction Manager/Regional Manager/Builder in attendance. It can be arranged for your Manse Group Assessor to also be present so each facts-based item can be discussed and viewed. Take notes throughout the meeting and follow it up in an "As discussed…" email. (Additional costs may apply for Manse Group to re-attend site).

05 — PROCESS STEP 5: RELEVANT BUILDING SURVEYOR

RELEVANT BUILDING SURVEYOR: If compliance issues have been identified in the report; contact the Relevant Building Surveyor. Their details will be found within the building permit and/or Building Contract.

Some items might be more compliance related issues and you Relevant Building Surveyor can assist. They are impartial and have a Code of Conduct which "establishes principles and rules for professional conduct and outlines the standards building surveyors in Victoria must, as a minimum, adhere to when providing building surveying services". Seek link **below** for more info.
Sections in the Code of Conduct that are of interest are;
- 4 Act independently,
- 7 Communicate promptly and effectively
- 8 Provide a complaint handling process and address issues of non-compliance

06 — PROCESS STEP 6: ESCALATE IT

ESCALATE IT: If no action/inadequate action from the Builder/Building Surveyor to the above steps, we advise the below;
- Contact the Victorian Building Authority noting;
  - The builder's inaction
  - If the Relevant Building Surveyor does not comply with their Code of Conduct.
- Contact Consumer Affairs to obtain advice. See link **below** for more info.
- Contact the Domestic Building Dispute Resolution Victoria (DBDRV) to obtain advice. See link **below** for more info.

07 — PROCESS STEP 7: BREACH OF CONTRACT

BREACH OF CONTRACT: This step requires legal advice before proceeding with.
There are breach of contract clauses in Major Domestic Building Contacts that allow the owner to formally raise issues on the path of termination of contract. Your legal representative will advise accordingly if this is the correct approach.

08 — PROCESS STEP 8: DBDRV

DBDRV (Domestic Building Dispute Resolution Victoria): We advise this step requires legal advice before proceeding with.
DBDRV is a Victorian Government service which helps resolve domestic building disputes. See link **below** for more info.

09 — PROCESS STEP 9: VCAT

VCAT (Victorian Civil and Administrative Tribunal): This step requires legal advice before proceeding with.
If the parties are unable to resolve their dispute throughout the DBDRV's process, the Chief Dispute Resolution Officer may issue the parties with a certificate of conciliation (dispute not resolved). The parties will then be entitled to make an application to VCAT, if they wish. VCAT has specific processes and requires Expert Witness Reports on the building issues. See link **below** for more info.

LINKS

- Relevant Building Surveyor Code of Conduct - www.vba.vic.gov.au/surveyors/code-of-conduct
- Consumer Affairs – www.consumer.vic.gov.au/housing/building-and-renovating/defects-delays-and-insolvency/disputes-defects-and-delays
- Domestic Building Dispute Resolution Victoria (DBDRV) – www.dbdrv.vic.gov.au
- VCAT (Victorian Civil and Administrative Tribunal) – www.vcat.vic.gov.au/case-types/building-and-construction