

Defects Procedure

Defects are not handled by our office under the standard management fee. If instructed, we can take up the cause, but this is chargeable under Schedule B fees and required written instructions by the Executive Committee. As an alternative, the Executive Committee can save the Owners Corporation's funds and follow this process: (in step by step form)

1. send a letter or email notifying the original builder of the common property defects that you want rectified and give them a time frame (ie 28 days)
2. if the time frame passes without action, go online to the OFT website and use the interactive form for Home Building Complaints. Fill in the form and email it to OFT.
 - a. www.fairtrading.nsw.gov.au
go to search box on right hand side of screen and type "home building complaint form".....this will give you three points
 - b. *point 3 is to print off the Home Building Complaint and manually write in the information*
 - c. *if you don't want to do this manually, select Point 1 "Resolving Building Disputes"*
 - d. *select "make a complaint"*
 - e. *select "lodge a home building complaint"*
 - f. *select "lodge a home building complaint online now"*
 - g. *fill in all appropriate details such as Owners Corporation, builder etc and then attach any documented evidence (such as reports, photographs etc).*
3. OFT will contact you and provide a date / time for an OFT inspection. The Inspector will come out and view the defects (the builder will be invited).
4. depending on the severity of the defects, the OFT inspector will issue either a Complaint Inspection Advice (CIA), which is a friendly informal notice to the builder to rectify all those items they deem to be defects. If the defects are substantial, they will issue a formal Rectification Order (RO). Both of these notices to the builder provide them with a very specific time frame to repair.
5. Then, if the builder doesn't repair by the end of the time frame, the E/C can notify the OFT of the failure to comply with the CIA or RO and then the OFT will take disciplinary action.
6. Then the E/C can seek an Order via the CTTT (consumer, trader & tenancy tribunal). All of this is relatively easy, but quite time consuming. It all can be done in house, which is free, or we can be given instructions under Schedule B of the contract.