

APPLICATION FOR TECHNICAL INSPECTION

Section 54FB(3) of the Northern Territory of Australia *Building Act* and regulations 14 and 15 of the Building (Resolution of Residential Building Work Disputes) Regulations

Information:

Pursuant to section 54FB(3) of the *Building Act*, the Commissioner of Residential Building Disputes (the Commissioner) may on the application of a current owner or builder of a residential building, appoint a person with relevant qualifications and expertise (the qualified person) to conduct a technical inspection and report to the Commissioner about whether the prescribed residential building work is defective.

SECTION 1 - APPLICANT			
NAME of APPLICANT If a company provide a contact name			
If the Applicant is the builder – the builder’s registration number			
DAY TIME PHONE NUMBER		MOBILE PHONE NUMBER	
POSTAL ADDRESS			FAX NUMBER
EMAIL ADDRESS			

SECTION 2 - RESPONDENT			
NAME of RESPONDENT If a company provide a contact name			
If the Respondent is the builder – the builder’s registration number			
DAY TIME PHONE NUMBER		MOBILE PHONE NUMBER	
POSTAL ADDRESS			FAX NUMBER
EMAIL ADDRESS			

SECTION 3 - DETAILS OF PROPERTY WHERE RESIDENTIAL BUILDING WORK IS LOCATED

LOT/PORION NUMBER		LOCATION e.g. Town of Darwin	
PROPERTY ADDRESS			

SECTION 4 - EFFECTIVE PERIOD FOR MAKING APPLICATION

Note: an application may only be made during the effective period for consumer guarantees. Applicants should refer to regulation 7 of the Building (Resolution of Residential Building Work Disputes) Regulations. Please take the time to read the questions carefully, as incorrectly completed applications may take longer to process and you may be required to provide further information. If you require assistance completing the form, please contact the Commissioner of Residential Building Disputes (contact details available at www.consumeraffairs.nt.gov.au).

Technical inspections only relate to defective work, not incomplete work.

Please choose which date is relevant to your circumstance.

The effective period for allegations of defective work is the total of the construction period, and the defect period.

For allegations of *defective work* and where the work has not been completed (*construction period*).

Specify the <u>start</u> date relevant to your circumstances	Date	Evidence attached
If there is a contract for the work – on the day the contract for the building work was entered into		
If there is no contract for the work – on the day the building permit is granted for the work		
Specify the <u>end</u> date relevant to your circumstances	Date	Evidence attached
If an Occupancy Permit was required - the date on which the Occupancy Permit was granted		
If an Occupancy Permit was not required - the date on which all declarations required under the <i>Building Act</i> were made i.e. builders declaration		
If the work has not been completed within the two years permitted by the building permit (which does not include any extension to the original building permit) the day on which the first building permit expired		

This information is required to calculate the defect period (1 year non-structural and 6 year structural), that follows completion of the work (the construction period). The defect period starts immediately after the last day of the construction period.

Note, that if the current owner becomes aware of the alleged defective work within 30 days before the end of the defect period, the defect period is extended for 30 days after the current owner became aware of the defect.

Example:

If an Occupancy Permit was required for relevant residential building work, and was granted on 1 July 2013 –

- the consumer guarantees in relation to non-structural defects would expire on 2 July 2014; and
- the consumer guarantees in relation to structural defects would expire on 2 July 2019.

SECTION 5 - EVIDENCE OF DISPUTE

Provide details of the allegation made by the current owner to the builder that the work is defective, whether it was made:

- a) In an application under section 54FC(1), provide details of the date on which the application was made;
- b) Verbally, provide details of the date on which the allegation was made and what the allegation was and how it was delivered (telephone, in person), or
- c) In writing, provide a copy of the written allegation and the date on which it was made.

Details:

SECTION 6 - DESCRIPTION OF WORK

TYPE OF CONSTRUCTION ACTIVITY

New
Extensions
Renovations with an extension
Change of use

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Building Permit Number

Please provide a brief description of the work and intended use:

BUILDING CLASSIFICATION

Class of Building (Building Code of Australia Part A3) – tick which applies

- Class 1a (for example, a house, townhouse, duplex)
- Class 2 no more than 3 residential storeys (for example, units, flats)
- Class 10 attached building and constructed at the same time as the above Class 1a or 2 building (for example, a garage, carport)
- Class 10 retaining wall (whenever constructed) that is not attached to a Class 1a or Class 2 building referred to above, but on which the integrity of such a building depends.

CONTRACT

Is the prescribed residential work being carried out under a building contract? Yes No

If yes, attach a copy of the contract (including any specifications, plans or variations) to the application, unless you are a subsequent owner.

If no, or if you are a subsequent owner, attach a copy of any relevant plans, specifications, diagrams, or other documents pertaining to the build.

SECTION 7 - DESCRIPTION OF ALLEGED DEFECTIVE WORK

Concise description of alleged defective work

The alleged defect is –
(Tick box)

Structural

Non-structural

SECTION 8 - APPLICATION

I/we, the Applicant(s) hereby :-

Request the Commissioner of Residential Building Disputes appoint a qualified person to conduct a technical inspection of the residential building and to give the Commissioner a report as to whether the prescribed residential building work is defective.

I/we acknowledge that, if accepted, a copy of this Application in its entirety, will be provided to the Respondent.

.....
Applicant's signature

.....
Applicant's name

.....
Date

SECTION 9 - LODGEMENT AND NOTIFICATION

Notification to other party: Pursuant to regulation 15(3) of the Building (Resolution of Residential Building Work Disputes) Regulations, the Applicant **MUST** give a copy of this application to the Respondent no later than 5 business days after the application is made.

PAYMENT OF FEE:

The application form must be accompanied by a receipt for the payment of the prescribed fee which is set out in Schedule 1 of the Building (Resolution of Residential Building Work Disputes) Regulations.

The fee is payable to the **Receiver of Territory Monies** either by cheque, made payable to the "Receiver of Territory Monies" (RTM) or by credit card or cash (cash by lodging in person only at your local Receiver of Territory Monies Office - **DO NOT SEND CASH VIA MAIL**). The Office of NT Consumer Affairs is **not** able to receive your payment.

The Receiver of Territory Monies has four offices located at:

RTM Casuarina
The Domain
16 Scaturchio St
CASUARINA
Phone 8943 6219

RTM Darwin
Level 7, Charles Darwin Centre (CDC)
19 The Mall
DARWIN
Phone 8999 1606 or 8999 1628

RTM Alice Springs
1st Floor, Alice Springs Plaza
Todd Street Mall
ALICE SPRINGS
Phone 8951 6491

RTM Katherine
1st Floor, Government Centre
First St
KATHERINE
Phone 8973 8715

LODGEMENT

The completed application form and receipt for payment of lodgement fee, should be addressed to the Commissioner of Residential Building Disputes and:

POSTED TO	OR	LODGED IN PERSON Monday to Friday 8:00AM to 4:00PM
Commissioner of Residential Building Disputes PO Box 40946 CASUARINA NT 0811		1st Floor, The Met Building, 13 Scaturchio St CASUARINA Phone 8999 1999
		Ground Floor, Green Well Building 50 Bath Street ALICE SPRINGS Phone 8999 1999 (Darwin)

FOR OFFICE USE ONLY

Receipt Number	<input type="text"/>	Date	<input type="text"/>
Amount	<input type="text"/>	Received By	<input type="text"/>

PRIVACY STATEMENT

The Commissioner of Residential Building Disputes complies with the Information Privacy Principles scheduled to the *Information Act*. To view the Commissioner's Privacy Statement, please access www.consumeraffairs.nt.gov.au or call 08 8999 1999

CHECKLIST:

Please ensure you have provided **two** hard copies of all of the following documents along with **two** copies of your completed and signed application form. If possible please also lodge any of the following documents electronically (to consumer@nt.gov.au).

- Building Contract
- Building Permit
- Fidelity Certificate (if applicable)
- Occupancy Certificate (if applicable)
- Photographic evidence
- Any relevant reports/quotes/invoices
- Correspondence between the parties
- Completed Application form (including Complaint Schedule)
- Receipt for payment of application fee
- Any other documents you believe would provide evidence for your case.