

Guide to Domestic Building Dispute Resolution Victoria Building Assessments



Before the Assessment

What is the role of a building assessment in the resolution process?

As part of the dispute resolution service, Domestic Building Dispute Resolution Victoria (DBDRV) might arrange for a DBDRV Assessor to examine the disputed building work. Assessors determine whether domestic building work is defective or incomplete and prepare Domestic Building Assessment Reports. These reports are intended to assist the parties to resolve the dispute.

Are Assessors qualified?

Yes, all DBDRV Assessors are registered building practitioners or architects and have extensive experience in the building and construction industry.

What will be assessed?

The items to be assessed will be finalised by the Dispute Resolution Officer based on nature of the items in dispute and discussions with you. You should be aware that not all items may be assessed.

Prior to the assessment, you will be provided with a full list of items for assessment, which you should review prior to the assessment.

If you have any queries regarding the items for assessed, you should raise these with your Dispute Resolution Officer prior to the assessment.

What documentation do I need?

If you have information or documentation (e.g. contract, plans, specifications and other building reports) that you believe will assist the Assessor, you must provide this to the Dispute Resolution Officer prior to the assessment.

What happens if I cannot obtain the relevant documentation?

Without the relevant documents, the Assessor may not be able to determine whether or not the item is defective or incomplete, or built according to plans and permit.

Is there a fee for a building assessment?

No, there is no fee for an assessment as directed by the Chief.

However, a party may request an assessment if DBDRV rejects an application for conciliation or the dispute was not resolved by conciliation and an assessment was not obtained prior to the conciliation conference. A fee is charged for this.

How long will the assessment take?

Generally, each item should take about 5 minutes to assess. However, the timeframe does depend on the complexity of the item. The Dispute Resolution Officer will give you an indication of the time.

Do I need to be present?

Yes, you do need to be present for the entirety of the assessment. The Assessor will not carry out the assessment without the parties being present.

The owner (or the owner's representative with an understanding of each item) must direct the Assessor to the relevant items and is required to be present from start to finish.

The builder will also be present from start to finish as the Assessor may have questions for the builder in relation to the works.

What do I need to do to prepare?

The Dispute Resolution Officer will provide you with a list of items for assessment. Prior to an assessment, you must familiarise yourself with each item on the list and where they are located.

Who can attend?

Only the parties nominated on the invitation sent by the Dispute Resolution Officer may attend. If additional parties are present the assessment will not be able to proceed.

What happens if I need to re-schedule or cancel the assessment?

Please contact the Dispute Resolution Officer as soon as possible, but no later than the day prior to the assessment. Please be aware that it may be some time before another assessment date becomes available.

During the Assessment

What happens if I am running late?

Please notify the Dispute Resolution Officer and the Dispute Resolution Officer will notify all parties.

Conduct and behaviour of parties

The conduct and behaviour of the parties must remain calm and respectful at all times. The Assessor may terminate the assessment (without warning) if parties behave otherwise.

Please ensure pets are restrained if required or requested by the Assessor. If you have concerns regarding conduct of the other party, please advise the Assessor.

Can I speak to the Assessor separately without the other party?

No, the Assessor is independent. It is not appropriate to hold conversations separately (including before or after the assessment).

What do I need to do at the assessment?

It is the responsibility of the applicant to show the Assessor the exact location of each item for assessment.

The applicant will need to explain each item to the assessor. Where the item recurs (e.g. bricks, windows) that needs to be brought to the Assessor's attention. The Assessor will ask you questions to clarify issues.

Does the Assessor carry out an audit of the whole site or find issues?

No, the Assessor will only assess the items on the list of items for assessment. They will not identify, audit or look for other items.

What happens during the building assessment?

During the assessment, the Assessor will assess each item on the list of items and take photographs, measurements, ask questions (if necessary).

The Assessor will not discuss his or her opinion as to whether any item is defective or incomplete. This will be contained in the assessment report.

What happens if I have extra items that need to be assessed that are not on the list of items for assessment?

Additional items will not be assessed by the Assessor on the day of the assessment.

Additional items can be submitted afterwards to the Dispute Resolution Officer, who will then advise on the next steps. Some issues raised at this stage may not be able to be included as part of this conciliation process and may need to form part of a new application. You can discuss this with the Dispute Resolution Officer.

What happens if there are items in the ceiling space, on the roof, under floors or require the use of a ladder to access?

If safe access is not possible, the item will not be assessed. Assessors are required to carry out their duties in accordance with Workplace Health and Safety requirements.

If the building site is still under the control of the builder, it is the builder's responsibility to ensure safe access is possible to the assessment items. Alternatively, it is the owner's responsibility to ensure safe access to the assessment items after handover.

After the Assessment

When will I receive the Domestic Building Assessment Report?

Generally the assessment report will be provided to both parties in 5 business days after the day of assessment. If there are more than 20 items to assess, it will depend on the complexity of the items. The Dispute Resolution Officer managing the case will advise you about the expected timeframes.

What are the next steps now I have Domestic Building Assessment Report?

Your Dispute Resolution Officer will contact you to discuss the next steps in the resolution process.

Can I make a submission about the Domestic Building Assessment Report?

Yes, you have five business days to make submissions in relation to the report. The submissions are then reviewed and the parties will be advised in writing of DBDRV's response. We endeavour to provide a response to any submissions within 10 business days.

Want to know more?

If you have an enquiry about Building Assessments please email your Dispute Resolution Officer. Alternatively you can call 1300 124 512.

www.dbdrv.vic.gov.au