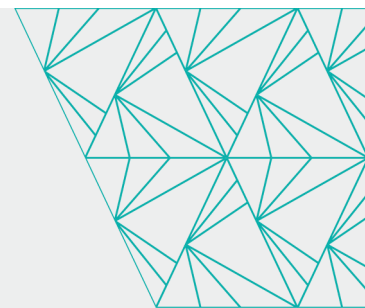


Application for domestic building dispute resolution



Important Information

Before you begin

Before you apply to Domestic Building Dispute Resolution Victoria (DBDRV), you should be aware that once received, your dispute will be assessed for jurisdiction. That is, whether your application is covered by our service. This is important because if DBDRV is not able to accept your dispute, this will delay progress towards the resolution of your dispute.

Please check the following eligibility criteria carefully before sending your application. If you have any concerns, speak with an Enquiries Officer at the Building Information Line on 1300 55 75 59 before proceeding.

Eligibility

Your dispute must involve the building owner and either a builder, building practitioner, architect, or sub-contractor. If it does not, your dispute is not covered by our service. For instance, DBDRV cannot conciliate disputes between neighbours or disputes between builders.

To be eligible for our dispute resolution service it is also a requirement that your dispute must:

- not be the subject of a Victorian Civil and Administrative Tribunal (VCAT) or court proceeding, currently or previously
- not relate to building work that is more than 10 years old
- involve the construction, renovation, alteration, extension, demolition, improvement or in some cases, repair of a home.

If you have directly engaged a tradesperson or builder to do only one type of work, your dispute might not be covered by DBDRV. The types of work that are not covered include but are not limited to:

- electrical
- plumbing
- plastering
- painting
- tiling

If this is your situation, you may wish to consider as an alternative whether you have a claim under the Australian Consumer Law and/or the right to proceed directly to VCAT.

Suitability for conciliation

If your dispute is within the jurisdiction of DBDRV, it will be assessed for suitability for conciliation.

It is important that you have attempted to resolve your dispute directly with the other party before applying to DBDRV. Your dispute may be determined as not suitable for conciliation if you have not done so.

DBDRV expects that you should have clearly advised the other party in person, by telephone or in writing about the issues that concern you. We also recommend that you communicate what you believe would be a satisfactory resolution of the dispute, if you know this, and that you intend to lodge an application with DBDRV.

Finally, it is important that you're aware our service is governed by legislation, and therefore all parties must comply with the outcome – whether that is reached by agreement or order. There are consequences for any party who does not comply.

Remember

- Submitting your application indicates that you are ready to commence DBDRV's dispute resolution process.
- Once your application is accepted, if you would like to withdraw, there is a formal notification process.

When to use this form

You can use this form if you would like to make an application to Domestic Building Dispute Resolution Victoria (DBDRV) for assistance to resolve a domestic building dispute.

How to complete this form

- You can complete the form on screen and print it out, or print and complete by hand.
- If completing the form by hand, please use a blue or black pen and print clearly using block letters.
- You may post your form and attachments to:
Domestic Building Dispute Resolution Victoria
PO Box 430
Port Melbourne VIC 3207

After you submit your application

Once we receive your application, we will call you to provide you with a dispute reference number and to advise if your application can be accepted by DBDRV. We will also send you a copy of your completed application form, together with information about next steps.

Section 1 – Dispute details

All questions must be answered, unless marked “(optional).”

1. Address of building works

Must be an address in Victoria. Include lot number if applicable.

Street name and number	
Suburb or town	
State	
Postcode	

2. What is the age of the building work in dispute?

Less than 6 months	
6 months to 1 year	
1 to 3 years	
3 to 6 years	
6 to 9 years	
9 to 10 years	
More than 10 years	
The building work has not yet commenced	

Disputes relating to building work that are more than 10 years old are typically not eligible for our service.

3. How long have you been in dispute with the other party?

Less than 6 months	
6 months to 1 year	
1 to 3 years	
3 to 6 years	
More than 6 years	

4. Have you attempted to resolve this dispute?

This may be calls, emails or discussions in person about the dispute.

You need to take reasonable steps to resolve your dispute before you can apply for our service. We may not progress your application if you have not done so.

Yes	<input type="checkbox"/>	Go to question 5
No	<input type="checkbox"/>	Go to question 9

5. When did you last contact them (DD/MM/YYYY)?

6. How did you make contact?

Email	<input type="checkbox"/>
Face to Face	<input type="checkbox"/>
SMS	<input type="checkbox"/>
Phone	<input type="checkbox"/>
Other	<input type="checkbox"/>

7. Has the other party responded to you about the dispute?

Yes	<input type="checkbox"/>	Go to question 8
No	<input type="checkbox"/>	Go to question 9

8. What was the outcome based on their response?

If you are the owner:

You and the builder	<input type="checkbox"/>
A previous owner and the builder	<input type="checkbox"/>

9. Are you aware of any other parties submitting an application at this property?

If you are the builder:

You and the owner	<input type="checkbox"/>
You and a previous owner	<input type="checkbox"/>

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If you are an architect, sub-contractor, tradesperson or other building practitioner:

10. Was there a building contract or agreement?

The builder and the current owner	<input type="checkbox"/>
The builder and a previous owner	<input type="checkbox"/>

This can be a verbal contract.

Yes	<input type="checkbox"/>	Go to question 12
No	<input type="checkbox"/>	Go to question 11 then 15
I don't know	<input type="checkbox"/>	Go to question 11 then 15

15. Which of the following do you have?

11. Please provide a short explanation (optional)

Occupancy permit	<input type="checkbox"/>	Go to question 16
Certificate of final inspection	<input type="checkbox"/>	Go to question 16
Neither or not sure	<input type="checkbox"/>	Go to question 17

12. Provide month and year of building contract or agreement (MM/YYYY):

16. What is the date on your occupancy permit or certificate of final inspection (DD/MM/YYYY)?

13. Provide name of other party on building contract or agreement:

17. What is the dispute about?
Choose all that apply.

14. Who was the building contract between?
Choose the option that applies to you

Defective building work Including substitute materials.	<input type="checkbox"/>
Incomplete building work Including non-supply of materials.	<input type="checkbox"/>
Delayed works	<input type="checkbox"/>
Builder's failure to pay	<input type="checkbox"/>
Owner's failure to pay	<input type="checkbox"/>

Access to building site	
Other	

If other, provide details:

18. What is the total value of the contract?
(optional) If you are unsure, leave blank.

\$	
----	--

19. What is the value of the specific work in dispute?

\$	
----	--

20. How much money is in dispute? (optional)
If you are unsure, leave blank.

\$	
----	--

21. Have you sought legal advice regarding your dispute?

Yes	
No	

22. Has this dispute been taken to VCAT or a court?

We can only resolve disputes that have been taken to VCAT or a court in very limited instances.

Yes	
No	

23. Are you lodging this application on behalf of someone else?

We will require written authorisation from the person(s) you are representing to confirm that you have authority to act on their behalf.

Yes		Go to question 24
No		Go to section 2

24. Are you a:

Family member	
Partner	
Legal representative	
Owners corporation or owners corporation manager	
Other	

Section 2 – Your contact details

We may contact you by phone or post. All questions must be answered, unless marked “(optional).”

1. Your name

Given name

Family name

No

Go to question 9

2. Business/company name

If applicable, provide business/company details.

3. Australian Business Number (ABN) or Australian Company Number (ACN) (optional)

4. Builder registration number (optional)

5. Email address (optional)

6. I agree to receive written communications and notices from DBDRV in electronic form, including by email, regarding my application for dispute resolution.

Agree

Disagree

7. Daytime phone number

If overseas number, include country code, e.g. +86. For landlines, include area code.

8. Is the dispute address your postal address?

Yes

Go to question 10

9. Postal address (optional)

Please provide your postal address as we may need to send important documents via mail

Street name and number

Suburb or town

State

Postcode

10. Are you the sole owner of the property? (if applicable)

Yes

Go to question 16

No

Go to question 11

11. Provide your co-owner's details.

If applicable, provide your co-owner's details.

We will need their written authorisation that you have authority to act on their behalf.

Given Name

Family Name

12. Do you share the same contact details?

Yes

Go to question 14

No

Go to question 13

13. Co-owner's contact details

Email address

Daytime phone number

14. Is the dispute address the co-owner's address?

Yes Go to question 16
No Go to question 15

15. Co-owners's postal address. (optional)

Provide their postal address as we may need to send important documents via mail.

Street name and number
Suburb or town

State

Postcode

<input type="text"/>
<input type="text"/>

16. Do you require an interpreter? (optional)

Yes Go to question 17
No Go to section 3

17. Language (optional)

SAMPLE

Section 3 – Other party’s details

All questions must be answered, unless marked “(optional).”

1. Other party’s name

Given name

Family name

2. Business/Company name

If applicable, provide business/company details.

3. Australian Business Number (ABN) or Australian Company Number (ACN) (optional)

4. Builder registration number (optional)

Please provide at least one of the following contact methods:

5. Email address (optional)

6. Daytime phone number (optional)

If overseas number, include country code, e.g. +86. For landlines, include area code.

7. Postal address (optional)

Street name and number

Suburb or town

State

Postcode

Country

Section 4 – Further comments

We now have enough information to commence assessment of your dispute.

A dispute resolution officer will be in contact to obtain more information about this dispute. If you wish to notify us of any critical issues, deadlines or your preferred contact times, please do so in the text box below.

All questions must be answered, unless marked “(optional).”

1. Further comments (optional)

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Privacy statement

DBDRV collects personal information to assist in resolving domestic building disputes. The personal information DBDRV requests when you make an application for dispute resolution enables us to assess your dispute and determine if it is suitable for conciliation. We also collect and use personal information in the course of arranging and facilitating conciliation. DBDRV may not be able to progress your application if you do not provide the personal information requested in this form. For example, DBDRV may need to classify your dispute as 'not suitable for conciliation' if you do not provide the information requested.

DBDRV is authorised to disclose personal information to third parties for the purpose of carrying out the dispute resolution functions for which DBDRV has been established. In particular, DBDRV is authorised to disclose personal information to the Director of Consumer Affairs Victoria, the Victorian Building Authority and the Victorian Managed Insurance Authority. Other examples where DBDRV may need to disclose your personal information include: providing the other party with details of the dispute; making relevant personal information available to your advocate or interpreter; and allowing external service providers (such as IT contractors) to have access to your personal information.

You can request access to the personal information we hold about you at any time, and if you become aware that personal information we hold about you is not accurate, complete or up to date, you can ask us to correct it. Requests for access and correction can be made by calling 1300 124 512.

Signature

The law requires you to sign your application. We cannot accept an unsigned application form.

Signature	
Name	
Date (dd/mm/yyyy)	

Please retain a copy of this form for your own records.

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