

CONSUMER, TRADER AND TENANCY TRIBUNAL CHAIRPERSON'S DIRECTIONS

HOME BUILDING DIVISION ACCEPTANCE OF BUILDING CLAIMS

This direction has effect with respect to applications lodged in the Home Building Division and amends the previous direction made on 18 April 2008.

Under section 48 (J) of the *Home Building Act 1989* the Registrar of the Tribunal must reject any application for determination of a building claim unless the Registrar is satisfied that the subject matter of the claim has been investigated under Division 2 of that Act. The Chairperson may direct that the building claim be accepted without such investigation having been made.

This direction is made pursuant to section 12(4) of the *Consumer, Trader and Tenancy Tribunal Act 2001* and sets out the classes of application which will be accepted by the Registrar without investigation by an inspector under Division 2 of the *Home Building Act 1989*.

I direct that the Registrar accept building claims of the nature set out below where there has not been an investigation by an inspector:

1. Appeals against a decision of an insurer under a contract of insurance required to be entered into under the *Home Building Act 1989*
2. Debt recovery by a contractor
3. Cross-claims
4. Claims where the time for lodging a claim is due to expire within 3 months
5. Matters involving unlicensed contractors
6. Claims by a trader against a subcontractor regarding defective work
7. Claims against owner-builders regarding defective work
8. Claims involving companies that have been de-registered
9. Claims against companies or individuals who have gone into administration, liquidation or bankruptcy.

These directions do not preclude the Chairperson from directing in the individual case that a building claim not falling within the ambit of these directions be accepted by the Registrar without an investigation under Division 2 of the *Home Building Act 1989* having been made.



Kay Ransome
Chairperson
23 February 2011