



MINISTRY OF
BUSINESS,
INNOVATION AND
EMPLOYMENT

What is acceptable building work?

Disputes between contractors and their clients about what is a defect in building work can be costly for all in time and money. Guidance is on hand to help define defective finished building work.

THE GUIDE TO *tolerances, materials and workmanship in new residential construction* has recently been published by the Ministry of Business, Innovation and Employment (MBIE) to support new consumer protection measures.

New 12-month defect repair period

A defect repair period of 12 months came into law on 1 January 2015 as part of the Building Act reforms.

This means that the contractor has to put right any defective work their client tells them about within 12 months of completion of the building work. The defect needs to be fixed in a reasonable time after their client informs them about it in writing.

If there is a dispute, it is up to the contractor to prove that the defects are through no fault of their own, their subcontractors or of the products used.

Guide helps define defects

The guide to tolerances will help those involved sort out these disputes. It is based on current acceptable standards from a cross-section of the construction industry.

It covers mainly aesthetic issues in new builds and additions. It does not cover matters about compliance with the Building Code – these are dealt with through other avenues.

Where a defect is suspected, both the contractor and the client should first refer to the contract documentation, consented plans, manufacturers' specifications and installation instructions or relevant New Zealand standards. ➤



Examples from *Guide to tolerances, materials and workmanship in new residential construction*.

Where the dispute cannot be resolved by reference to these, the guide may help the contractor and client to know and agree what is – and what is not – a defect.


Good idea to set standards first

The guide is also a great tool to make sure clients both understand and agree on the levels of tolerances, materials and workmanship that are acceptable for the finished building work.

Designers and contractors can sit down with the client before signing a contract. They can use the guide to help align their expectations of quality with the choice of design, materials and finishes and the cost of the work. This can help ensure the project is correctly scoped and avoid disappointment and disputes later on.

The guide is not mandatory. Contractors with their own schedule for acceptable tolerances, materials and workmanship should discuss this

with the client and get their agreement in writing before or when the contract is signed.

Reference to the schedule should preferably be included in the signed contract. If an issue is not covered by the contractor's own schedule, the client may still refer to the MBIE guide. 

For more Visit www.doyourhomework.co.nz for information on the new consumer protection. Download the guide from www.building.govt.nz/guide-to-tolerances.