

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

CIVIL DIVISION

DOMESTIC BUILDING LIST

VCAT REFERENCE NO. D147/2006

CATCHWORDS

Domestic building – storm damage – water penetration – faulty flashing – amount to be ordered.

APPLICANT	Paula Foutras
RESPONDENT	Home Construction and Design Centre (ACN 080 951 855)
WHERE HELD	Melbourne
BEFORE	Senior Member D. Cremean
HEARING TYPE	Small Claim Hearing
DATE OF HEARING	19 May 2006
DATE OF ORDER	19 May 2006
[2006] VCAT 874	

ORDER

1. Order Respondent to pay Applicant the sum of \$5,812.00 and interest of \$134.87.
2. No order as to costs.

SENIOR MEMBER D. CREMEAN

APPEARANCES:

For the Applicant	Mr S. Donley, Solicitor
For the Respondent	Mr R. Ugrinovski in person

REASONS

1. The Applicant in this matter is claiming \$5,812.00 for water damage to areas of his house which he owns with his wife.
2. That damage followed a significant storm occurring on 2 February 2005.
3. I accept that the Applicant's house was damaged in the areas which he gave evidence about.
4. I heard affirmed evidence from the Assessor for the Applicant that the cost of repairs equals \$4,950.00 and that there was an electrical cost incurred of \$728.20. There is also a claim for the excess of \$200.00. These amount to \$5,878.00. The amount of the claim, however, is \$5,812.00.
5. I accept the evidence of the Applicant and the Assessor.
6. On the basis of their evidence (as depicted in the photographs) I am satisfied that the flashing works on the roof allowed water to enter the premises (on a date shortly after the completed construction of the house). I am satisfied such flashing works were not done to the appropriate standard. I accept the Assessor's evidence in that regard in particular. He impressed me as a very experienced person and one well-qualified to express his views.

7. I listened carefully to the evidence of the Respondent but it did not detract in any way from that of the Applicant or his witness.
8. I would make it clear that I have no evidence before me which would suggest the Respondent was not otherwise a builder of good repute.
9. I find for the Applicant in the sum of \$5,812.00. I do not allow above that amount.
10. I disallow costs. The matter is under \$10,000.00.
11. I allow interest of \$134.87.

SENIOR MEMBER D. CREMEAN