



Ref Property: 9 Grieve st. Kurri Kurri NSW 2327

Client: Mrs Renee Rowney v Mr Rinus Yirmibes

Report dated: 10/07/2012



PRELIMINARY PROPERTY INSPECTION

& EXPERT REPORT

9 Grieve st. Kurri Kurri. NSW 2327



Front Elevation of the Inspected Property



WH/PPI

Property Inspections

Wayne J Hudson

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PRELIMINARY PROPERTY INSPECTION & EXPERT REPORT

On: Alleged defective & incomplete work

AT SITE: No. 9 GRIEVE ST KURRI KURRI, NSW.2327

Between:

(The Homeowner/Client) Mrs Renee Rowney

Mob: 0434 448 013

Email: r.rowney@bigpond.com

And: Rinus Yirmibes

(The Contractor)

Ph.:

Email: mnb.roofing@gmail.com Lic No: 201955C

Claim Ref File no: **HB 12/31299**

PROPERTY INSPECTION DATE: 10/07/2012

REPORT PREPARATION DATE: 12/07/2012 – 18/07/2012

REPORT REF NO: 00154

Commissioned By: Mrs R Rowney
Homeowner:

Prepared By:
Wayne J Hudson Lic / No: HS0132
9 Brazos St
Beresfield NSW 2322
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1.0 **QUALIFICATIONS & EXPERIENCE of Wayne Hudson**

- 1.1** I have participated, studied, trained and worked within the Building industry since 1976.
- 1.2** I have completed my CERT 1V in Building & Construction.
- 1.3** I have carried out 118 Inspections since 2009.
- 1.4** I acquired my practical knowledge and experience as a Carpenter for 29yrs +
- 1.5** I have achieved my Licence & experience by assessing the adequacy, compliance and condition of properties by way of 104 inspections.
- 1.6** I am a licensed Expert Witness with over 29yrs years' experience within the industry.
- 1.7** I am an accredited Court & Expert witness with membership to PPI Registry, (BDPS) Building Dispute Practitioners Society.
- 1.8** I am a member of reputable Organisations and Associations where I further my training, knowledge, education and experience.
- 1.9** I obtain in excess of the required CPD "Continuing Professional Development"
- 1.10** A copy of my Curriculum Vitae is annexed to this report which sets out my qualifications and experience in the building, construction and inspection industry. (CV is attached as ***Annexure "A"***)





2.0 REPORT INTRODUCTION (Background & Commission:)

2.1 Duty to the CTTT/VCAT/QBSA:

2.1.1 I affirm I have read the Expert Witness Code of Conduct and agree to be bound by that code. (*Code is attached to the end of this report as Annexure "B"*)

2.2 Or....Duty to the Court:

2.2.1 I affirm I have read the Expert Witness Code of Conduct of the District Court Rules and agree to be bound by that code. (*Code is Attached to the end of this report as Annexure "C"*)

2.3 I have made all enquiries, which I believe are appropriate in relation to this matter.

2.4 I have prepared this report in response to instructions received from the "Homeowner "Mr R. Rowney regarding Defective & Incomplete works and a pending dispute between themselves (*hereinafter referred to as "the Homeowner"*) and Rinus Yirmibes (*Hereinafter referred to as "the Contractor."*)

2.5 My Instructions in this matter were provided to me by email/verbal;

2.6 I provided my fee for services to the "Homeowner" which was subsequently accepted.

2.7 I am of the understanding this dispute encompasses alleged incomplete and defective building works to the property at No. 9 Grieve st Kurri Kurri, NSW.2327 (*hereinafter referred to as "the property."*)

2.8 The "Homeowner" has engaged me as their expert to document and report on the issues and provides a report for a pending hearing.



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-
- 2.8.1 *(Definition of **Incomplete**: not complete, partial, deficient, undersupplied, lacking in part and is unfinished.)*
- 2.8.2 *(Definition of **Defective** and or **Defect**: marked by subnormal structure or function, imperfect, failing and or deficient. Defect is a general word for any kind of shortcoming or imperfection.)*
- 2.9 I inspected the subject property at 11am on the 10/07/2012
- 2.10 I entered the site.
- 2.11 I provided my identification to the ("the Homeowner") and access was provided.
- 2.12 I made various notations on the instructions I was given.
- 2.13 I took several photos of my various observations.
- 2.14 These photos of my findings are in the body of this report.
- 2.15 My travelling and initial site inspection took approx. 4 hours.
- 2.16 My opinion is limited to the observations and findings from my site inspection and on specific documentation, the ("the Homeowner") has provided me.
- 2.17 I have adopted this practise so that any assumptions from my observations I have made are encapsulated within the matter being discussed and therefore immediately obvious to the reader of this expert report.





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3.0 DOCUMENTS PROVIDED TO ME:

- 3.1 To assist me in forming my opinion from my observations, I have regard to the emails and documentation I have received from the homeowners.

- 3.2 Copies of emails received are from 06/01/2012 to the current date.

- 3.3 Copy of Contract Between the “Contractor & “Homeowner”
Dated.17/08/2011.

- 3.4 Copy of Non-Compliance order for rectification works.
DATED: 14/05/2012.



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4.0 MY OPINION, PHOTOGRAPHIC EVIDENCE & ASSUMED FACTS:

4.1 Methodology:

4.2 In compiling my observations, (photographs) and opinions, I have commented on only the related issues and matters arrived out of the instructions I have received.

4.3 Where I have made any assumptions in formulating my opinion, I have included those assumptions in the body of this report at the relevant issue being discussed and in relation to the photograph at hand.

4.4 I have adopted this practise so that any assumptions I have made are encapsulated in the matter being discussed, and therefore immediately obvious to the reader of this report.

4.5 The “*(the Homeowner)*” has instructed me to;

Inspect the subject properties roofing & finishing of the works undertaken by the said contractor.

To: Photograph and document my findings.

4.6 I do not become entwined in any negotiations between Lawyers and Clients unless instructed to do so.

4.7 As an expert, the expressed opinions within this report are mine and not opinions of any other influencing entity.

4.8 I accessed the property by way of the front door to the property, Provided my ID and access was given

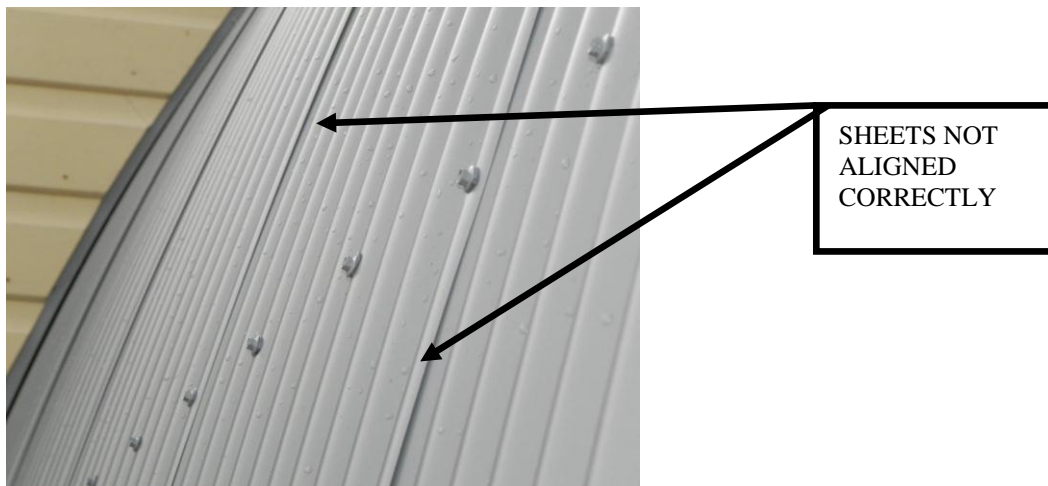
4.9 The works consist of: Defective & Incomplete works



4.10 The following photographs and their descriptions are of my findings, which show my observations at the time of my inspection.

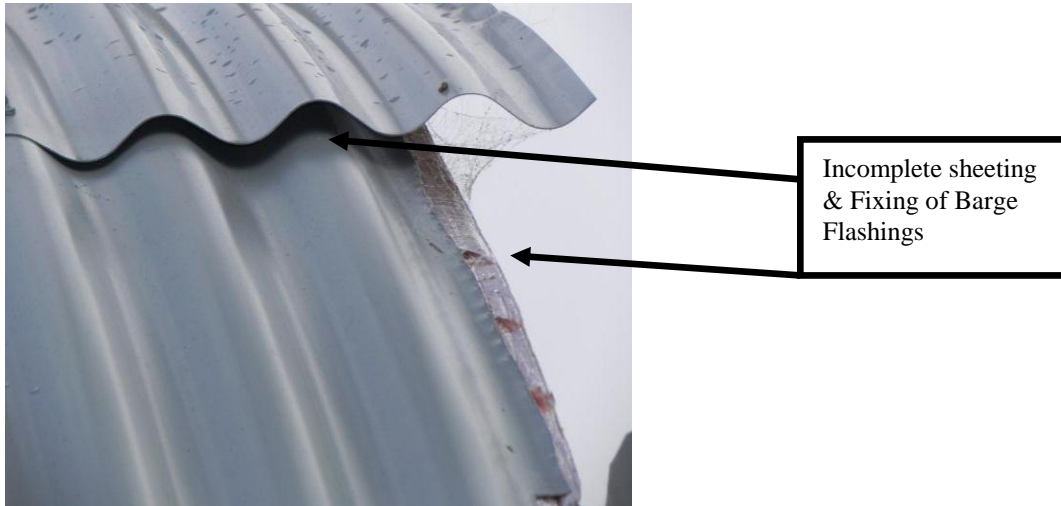
4.11 I will also add in items or excerpts for the building contract provided that in my opinion apply to this photographic evidence.

4.12 Fig 1:

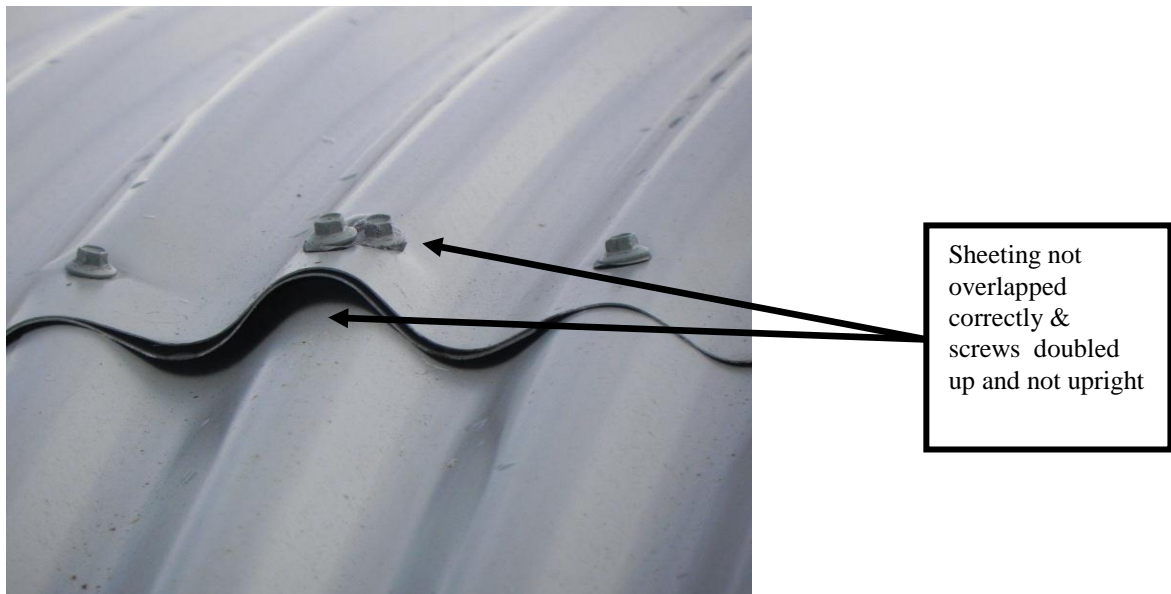




4.13 Fig 2:



4.14 Fig 3:





4.15 Fig 4:



Flashings poorly fitted & screws exposed and a lack of screw fixings

4.16 Fig 5:



Below par Finish of timber trim falling short of the internal corner leaving large gap.



4.17

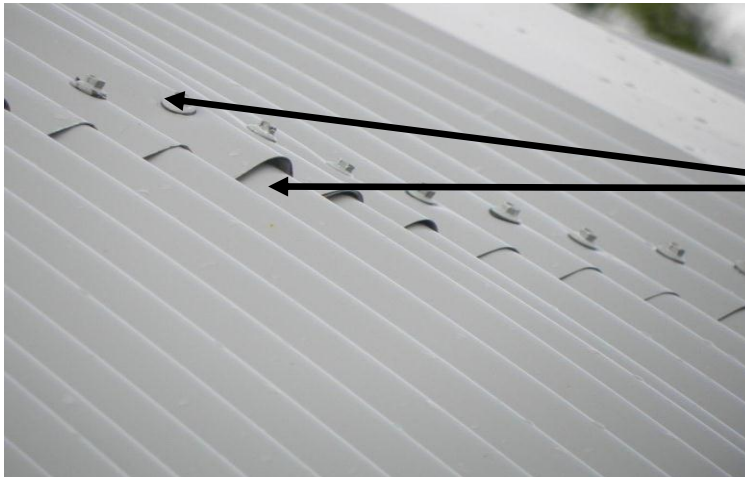
Fig 6:



Metal flashing strip covering joints not rolled only cut at various intersections causing indentations and gapping in finished product.

4.18

Fig 7:



Sheets aligned incorrectly and screws not uniform



4.19 Fig 8:



Not an appropriate finish to flashings

4.20 Fig 9:



Another view of poorly fitted cover joint capping

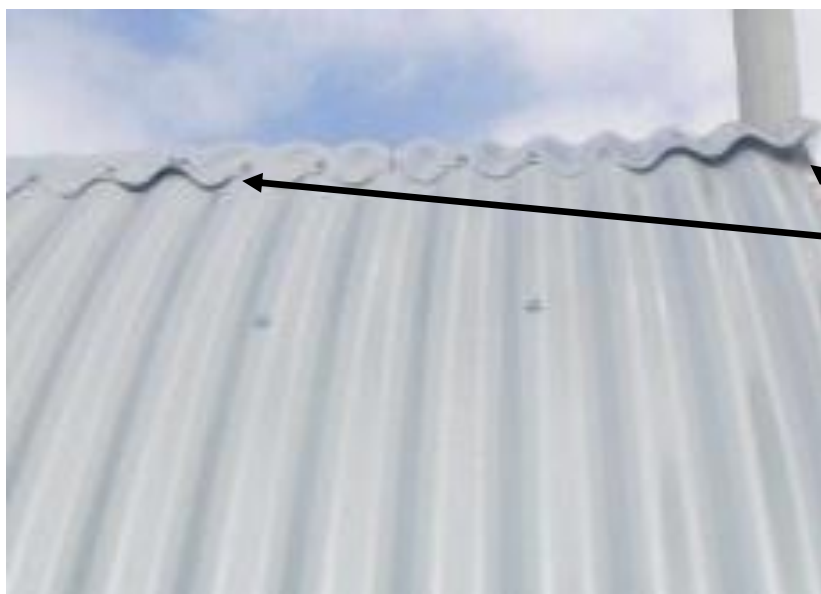


4.21 Fig 10:



ColorBond fascia covers bowing & undulating over front veranda & rear section of the structure.

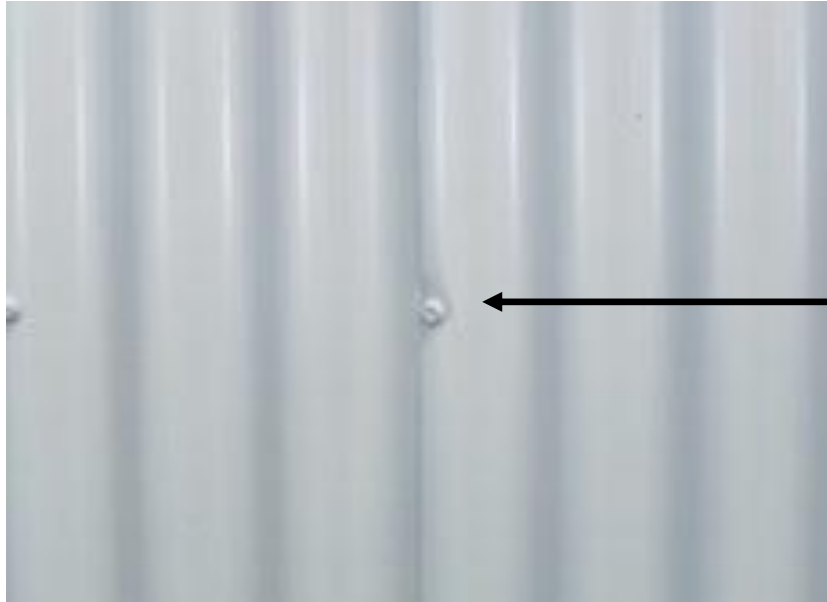
4.22 Fig 11



Roofing sheets poorly finished and barge capping absent.

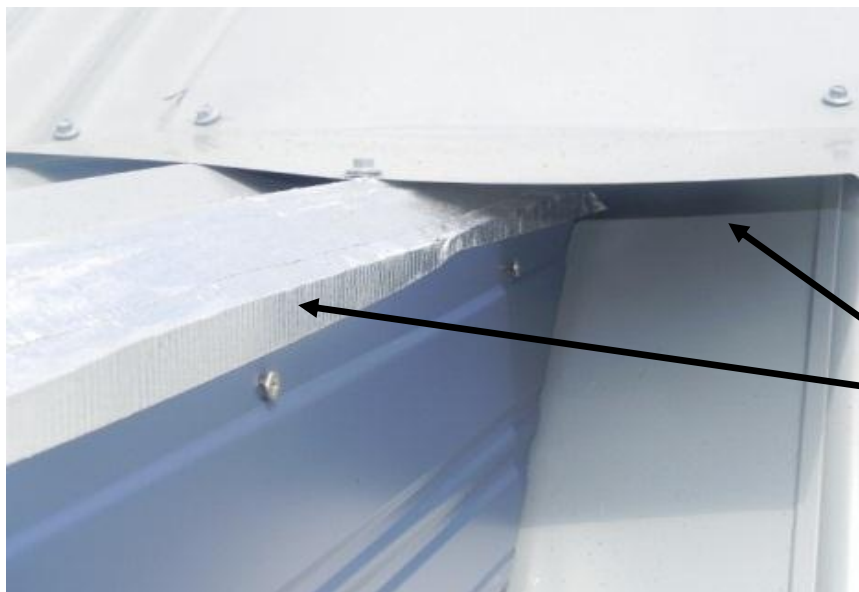


4.23 Fig 12:



Screws poorly fixed causing indentation of sheeting.

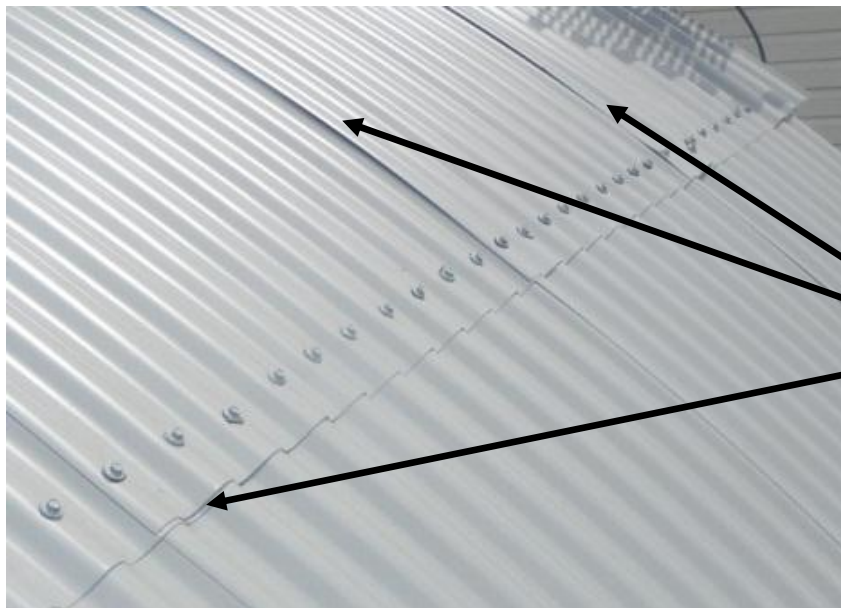
4.24 Fig 13:



Incorrect finishing of flashings & barge capping



4.25 Fig 14:



Sheets no aligned correctly & roofing screws not uniform

4.26 Fig 15:

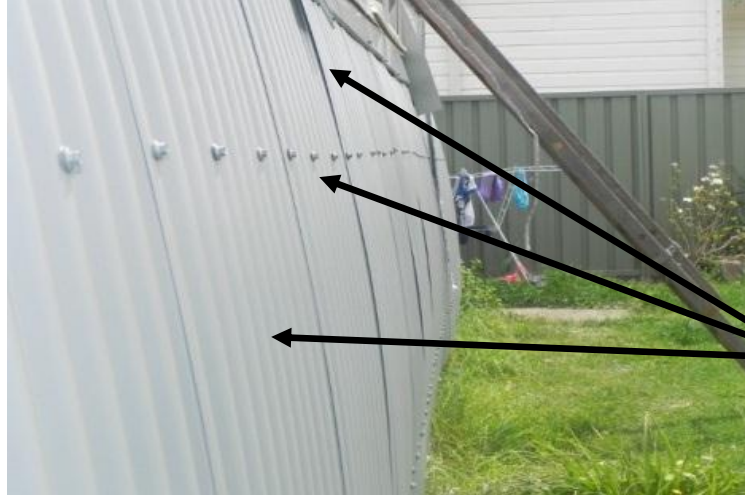


Rear fascia bowing and undulating. Insulation exposed & barge capping not complete



4.27

Fig 16:



Sheets not sitting flush & screws not aligned correctly

4.28

Fig 17:



Barge capping cut in sections instead of being rolled in 1 full length & screws out of alignment.



4.29 Fig 18:



Corner of structure at the front of the property poorly finished

4.30 Fig 19:



Barge capping damaged to the rear section of the structure.



4.31

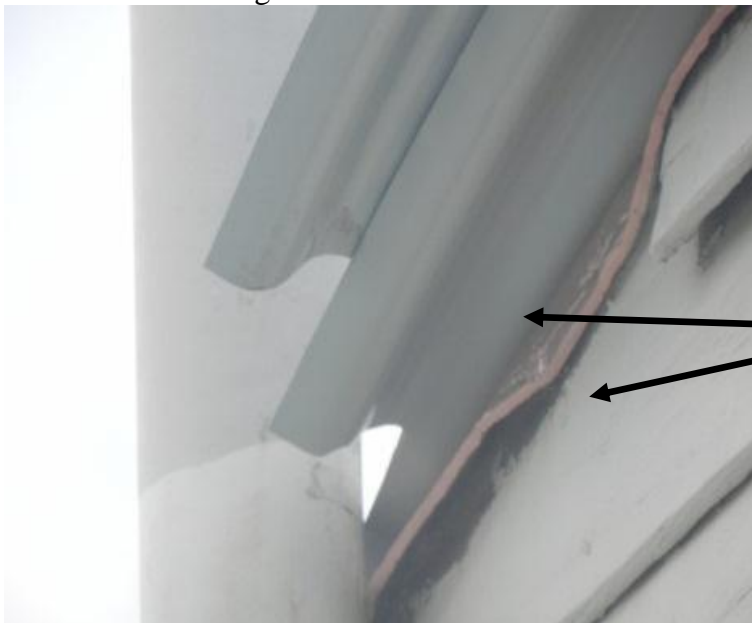
Fig 21:



Poor finish to
internal section to the
front of the structure

4.32

Fig 22:



Incomplete flashing section
& insulation exposed to the
elements.



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-
- 4.32 Works to these sections of the structure are defective and or incomplete in areas.
- 4.33 The defective areas need immediate rectification.
- 4.34 It is evident within the contract document that some items are under a provisional allowance therefore in the event a Scott Schedule is required these provisional allowances are the only amounts to be used in the schedule.
- 4.35 The contractor should also supply a copy of the Home Warranty Insurance Certificate.



MY INVESTIGATIONS

5.0

- 5.1 In preparing this report I have referred to the following referenced documents:
- 5.2 NSW Office of Fair Trading “Guide to Standards and Tolerances” 2007.
- 5.3 Building Code of Australia 2010 Edition. (BCA)
- 5.4 I have read and reviewed the emails and all documents referred to in this matter.
- 5.5 I have read and reviewed the emails and documents provided and referred to in this matter.
- 5.6 At the time of my inspection, I did **NO** Invasive measures of Inspection.
- 5.7 My inspection was a visual only inspection.



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6.0 PHOTOGRAPH OF THE PROPERTY:



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7.0 ATTACHED ANNEXURES:

7.1 *Annexure "A"* Curriculum Vitae of. Wayne J Hudson

7.2 *Annexure "B"*..... Expert Witness Code of Conduct.

Annexure "A" Curriculum Vitae:

W AYNE HUDSON. **CURRICULUM VITAE.**



Date of Birth: 18th MARCH 1959.Sydney Australia.

OBJECTIVES:

- 1/ Obtain a position at Wayne Hudson PPI, where I can maximize my management skills, quality assurance, program development, and training experience.
- 2/ Create integrated business strategies to develop and expand existing customer sales, brand/product evolution.
- 3/ To obtain a position that will enable me to use my strong organizational skills, educational background, and ability to work well with people.
- 4/ To be independent in reporting and advice.
- 5/ To excel in my field of expertise 'To be objective in my reports.

EDUCATION & ATTAINMENTS:

- 2012- Court & CTTT Expert Witness, Scott Schedules Licence.
- 2012- Swimming Pool Inspection Licence.
- 2011- Pre-purchase Property Inspections Licence.
- 2010- Cert 1V in Building & Construction.
- 2010- (CPC4011) Business Management.
- 2010- (CPCCBC4001A) Applying building codes & standards to the construction process for low rise Building Projects.
- 2010- (CPCCBC4010A) Apply structural principals to residential low-rise constructions.
- 2010- (CPCCBC4011A) Apply structural principals to commercial low-rise construction.
- 2010- (CPCCBC4002A) Manage occupational health and safety in the Building Construction Industry.
- 2010- (CPCCBC4006A) Select, procure and store construction materials for low-rise projects.
- 2010- (CPCCBC4007A) Plan building or construction work.
- 2010- (CPCCBC4008A) Conduct on-site supervision of building and construction projects.
- 2010- (CPCCBC4009A) Apply legal requirements to building & construction.



-
- 2010- (CPCCBC4017A) Arrange resources and prepare for the building or construction projects.**
 - 2010- (CPCCBC4018A) Arrange site surveys and set-out procedures to building or construction Projects.**
 - 2010- (CPCCBC4021A) Minimise waste on the building & construction site.**
 - 2010- (CPCCBC4026A) Arrange building applications & approval.**
 - 2009- (CPCCBC4003A) Select & prepare a construction contract.**
 - 2009- (CPCCBC4016A) Administer a construction contract.**
 - 2009- (CPCCBC4024A) Resolve business disputes.**
 - 2009- (BSBPMG407A) Apply risk management techniques.**
 - 2009- (BSBSMB401A) Establish legal and risk management requirements of small business.**
 - 2009- (BSBSMB403A) Market the small business.**
 - 2009- (BSBSMB404A) Undertake small business planning.**
 - 2009- (BSBSMB406A) Manage small business finances.**
 - 1976- Started As Apprentice.**
 - 1974- School Certificate.**

SKILLS:

- 1/ Residential Construction of Floor Framing, Wall Framing and Roof Framing.**
- 2/ Residential Construction of Floor Framing, Wall Framing and Roof Framing.**
- 3/ Fixing Carpentry.**
- 4/ Staircase and Balustrade Construction.**
- 5/ Garage, Carport and Rural Shed Erection.**
- 6/ Concrete Works, Plastering, Bricklaying, Painting, Wall and Floor Tiling.**
- 7/ Landscaping.**
- 8/ Residential Site Drainage.**
- 9/ Retaining Walls.**
- 10/ Bathroom and Kitchen Renovations.**
- 11/ Suspended ceilings & Metal stud walls on commercial sites.**
- 12/ Contract Additions, Alterations and Renovations & Commercial work sites.**
- 13/ Pergolas.**
- 14/ Decking and Awnings.**
- 15/ Rectification works.**



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ACHIEVEMENTS:

- 1/ 1984-1989. Employed as a Carpenter on the New “Parliament House in Canberra”.
- 2/ 1989-1993. Employed as leading hand Carpenter on the “National Convention Centre ACT.”
- 3/ 1993-1995. Employed as Carpenter on the “Hyatt Hotel Remodel” ACT.
- 4/ 1995-1997. “Homebush Olympic Village” Sydney, NSW.

MEMBERSHIPS:

- 1/ Member of the B.W.I.U. (*building workers industrial union*) 25 years.
- 2/ Pre-Purchase Inspectors Registry PPI
- 3/ Building Dispute Practitioners Society “Victoria” BDPS
- 4/ Institute of Building Consultants “NSW” IBC
- 5/ HouseSafe Inspections Register.



Vehicle used by Wayne Hudson PPI.





Annexure “B”

CONSUMER, TRADER AND TENANCY TRIBUNAL CHAIRPERSON’S DIRECTIONS EXPERT WITNESS CODE OF CONDUCT

In accordance with section 12(4) of the *Consumer, Trader & Tenancy Tribunal Act 2001*, I Make the following directions with respect to the conduct before the Tribunal of expert Witnesses.

Application of Code

1. This code of conduct applies to any expert engaged to:
 - (a) Provide a report as to his or her opinion for use as evidence in proceedings or Proposed proceedings, or
 - (b) Give opinion evidence in proceedings or proposed proceedings.Parties to a proceeding must supply a copy of this direction to the expert witness Retained by them.

These directions apply in all Divisions of the Tribunal. These directions do not apply to an expert appointed by the Tribunal under s 48N (2A) of the *Home Building Act 1989*.

General Duty to the Tribunal

2. An expert witness has an overriding duty to assist the Tribunal impartially on matters Relevant to the expert’s area of expertise.
An expert witness’s paramount duty is to the Tribunal and not to the parties.
An expert witness is not an advocate for any party.

The Form of Expert Reports

3. A report by an expert witness must (in the body of the report or in an annexure) Specify:
 - (a) The person’s qualifications as an expert;
 - (b) The field of expertise in which they are giving evidence;
 - (c) A statement of what the expert witness was asked to report about;
 - (d) The facts, matters and assumptions on which the opinions in the report are Based (a letter of instructions may be annexed);
 - (e) Reasons for each opinion expressed;
 - (f) If applicable. That a particular question or issue falls outside his or her field of Expertise;



(g) Any literature or other materials utilised in support of the opinions; and

(h) Any examinations, tests or other investigations, on which he or she has relied
And identify, and give details of the qualifications of, the person who, carried
Them out.

If an expert witness who prepares a report believes that it may be incomplete or
inaccurate without some qualification, that qualification must be stated in the report. If an
expert witness considers that, his or her opinion is not a concluded opinion
because of insufficient research or insufficient data or for any other reason, this must
Be stated when the opinion is expressed. (a) If rectification or demolition or other alteration of
premises is recommended,

The report should detail the work recommended and the reason(s) for such
Recommendation;

(b) The likely cost(s) involved; and

(c) Whether any alternative remedy or remedies are reasonably available.

Conflict of Interest

4. With respect to conflicts of interest, expert witnesses should at the earliest
Opportunity advise the Tribunal of any actual or perceived conflict of interest that may
Undermine the reporting function of the independent expert and excuse themselves
from further involvement with the assignment.

Conflicts of interest exist when it is likely that an expert could be influenced, or could
be seen to be influenced, by a personal interest in carrying out the assigned work.

Some situations that may give rise to a conflict of interest are:

(i) The expert witness having a financial interest in or with a party in dispute or having
friends or relatives with such an interest;

(ii) Where the expert witness use the influence of their position to obtain opportunities
for future employment, either for themselves, friends, relatives or associates;

(iii) Accepting a gift or benefit that is intended to or may be seen as intending to cause
the expert witness to act in a partial manner in the course of his or her duties;

(iv) Having a personal, philosophical, religious, moral or political belief or attitude that
could influence, or be seen to influence, the impartiality of advice given; and





(v) Having or developing personal relationships with a party or a relative or associate of a party to the dispute that goes beyond the level of a professional working Relationship.

Kay Ransome

Chairperson

30 June 2003 in the Home Building Division only:

CONCLUSION:

8.0 Home Building Act, section 18B (a-f)

- 8.1 All the above listings and photographs show that the work carried out detracts from the overall appearance of the contract works. Therefore not complying with section 18B (a) of the Home Building Act 1989, in that the work will be performed in a proper and workman like matter.
- 8.2 It is my opinion after my site inspection on 9 Grieve st Kurri Kurri, NSW.2327 that:

That there are breaches of the HOME BUILDING ACT 1989,
Section18B warranties as to residential building work

(a) a warranty that the work will be performed in proper and workman like manner and in accordance with the plans and specifications set out in the contract,

(b) a warranty that all materials supplied by the holder or person will be good and suitable for the purpose for which they are used and that, unless otherwise stated in the contract, those materials will be new,

(c) a warranty that the work will be done in accordance with, and comply with, this or any other law,

(d) a warranty that the work will be done with due diligence and within the time stipulated in the contract, or if no time is stipulated, within a reasonable time,



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(e) a warranty that, if the work consists of the construction of a dwelling, the making of alterations or additions to a dwelling or the repairing, renovation, decoration or protective treatment of a dwelling, the work will result, to the extent of the work conducted, in a dwelling.

(f) a warranty that the work and any materials used in doing the work will be reasonably fit for the specified purpose or result, if the person for whom the work is done expressly makes known to the holder of the contractor licence or person required to hold a contractor licence, or another person with express or apparent authority to enter into or vary contractual arrangements on behalf of the holder or person, the particular purpose for which the work is required or the result that the owner desires the work achieve, so as far to show that the owner Relies on the holder's or person's skill and judgement.



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Wayne.J.Hudson
Director.

SIGNED:

DATED: 22/07/2012



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