

Board disciplines two LBPs for poor supervision practices

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The Building Practitioners Board (the Board) recently handed down significant sanctions against two Auckland-based Carpentry licensed building practitioners (LBPs) and has chosen to publish the details of the matters due to their seriousness and the strong penalties.



Ashok Maharaj (C2-01621)

Mr Maharaj was found to have:

- carried out building work in a negligent or incompetent manner
- failed to comply with a building consent.

Mr Maharaj was the LBP supervising building work. From the evidence heard, it was made clear to the Board that the building work was carried out in a negligent manner and was not in accordance with the building consent.

As the supervisor Mr Maharaj failed to:

- ensure that trusses were installed correctly (both in a proper manner and in accordance with the building consent)
- appropriately supervise defect remediation.

Because the truss defect was not identified before the roof was installed, major and invasive work will be required to fix it.

The Board noted that errors can occur during a build, and this does not automatically mean that an LBP has been negligent. In this circumstance the effect of the deficient truss installation was sufficiently serious to warrant disciplinary action given Mr Maharaj's lack of care in providing supervision.

As a result, Mr Maharaj's licence was suspended for six months and he was ordered to pay \$3,000 in costs towards the inquiry. The Board ordered the decision to be published.

Rizvan Saheb (C2-01698)

Mr Saheb was found to have:

- carried out building work in a negligent or incompetent manner
- failed to provide a record of work on the completion of restricted building work
- acted in such a way as to bring the LBP scheme into disrepute.

The Board heard evidence that Mr Saheb was supervising the building work of an unlicensed person and the building work had a number of defects.

As the supervisor, Mr Saheb should have had enough contact with tradespeople to ensure that the work was carried out competently and compliantly. In this situation, there was no evidence that Mr Saheb performed any of the required supervisory activities.

As the supervising LBP Mr Saheb also failed to provide a record of work when the restricted building work was completed.

The Board was disappointed to see Mr Saheb effectively allow his licence to be used by others to carry out restricted building work, without him actually supervising them. The Board considered that Mr Saheb brought the regime into disrepute.

Mr Saheb's licence was cancelled and he cannot reapply for 12 months. Mr Saheb was also ordered to pay \$3,000 in costs. The Board ordered the decision to be published.

What we can learn from these decisions

Supervising is not "renting" out your LBP number. It is an activity that needs to be taken seriously because the supervising LBP is responsible for making sure those doing the work have the right support to do it correctly.

Defects in the construction process can happen, but it is crucial that they are noted and fixed as part of the onsite quality assurance. Lack of supervision or relying on the building consent authority to catch issues is not an acceptable way of making sure building work is completed properly.

Supervision resources are easy to access. In the last year the Board has issued detailed decisions on supervision, and MBIE produced a Supervision practice note, which you should read if you are unfamiliar with supervising or want to refresh your knowledge.

[Supervision practice note \(https://www.lbp.govt.nz/for-lbps/lbp-practice-notes/\)](https://www.lbp.govt.nz/for-lbps/lbp-practice-notes/) is available on the LBP website.

You can read these two decisions (and other past decisions) in full on the [LBP website \(https://www.lbp.govt.nz/complaints-and-past-decisions/past-complaint-decisions/\)](https://www.lbp.govt.nz/complaints-and-past-decisions/past-complaint-decisions/).

