

Keeping your records straight

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It's important to provide your Record of Work on completion of Restricted Building Work.



ALL

Article is relevant to LBP licence classes: All

They must be filled in on time, every time, to avoid complaints being made against you and potential disciplinary action. The Building Practitioners Board received a disappointingly high number of complaints this year about ROWs.

Don't withhold Records of Work

Some Licensed Building Practitioners (LBPs) hold back the ROW in a dispute or because the client is behind in their payment. This is done under the belief that they can use the ROW as leverage. This is bad practice, as the disgruntled client can complain to the Board that the LBP did not complete the ROW. The Board will then have to discipline the LBP for failing to provide their ROW, regardless of any commercial dispute, as this is not a valid reason to withhold a ROW according to the Building Act. The Board has no jurisdiction over contractual disputes –

it only addresses the conduct of LBPs. Therefore the LBP can be fined, even if the client hasn't paid for the work.

Knowing when work is over

Usually it is easy to know when to complete the ROW. The job is finished, so you complete the ROW before moving on. However, sometimes a job ends unexpectedly. Perhaps there is a dispute between contractors, or the client stops paying the bills. If the job isn't finished, but you won't be returning to finish it, you should submit a ROW. On it you can detail what work you did complete, even though the overall job was unfinished. Sometimes it is uncertain if you will return or not. When in doubt, you can still submit a ROW on what you have done thus far. In the unlikely event you do return, you can add to your records.

Submit your own ROW, don't pass to others

There is still the myth that if you're a labour-only contractor to another LBP, the head contractor will do the ROW. This is not the case. Each LBP who does RBW must do a ROW.

Another mistake is to provide the ROW to the head contractor who does not pass it on to the homeowner or council. The Building Act puts the responsibility on the LBP to ensure the ROW is sent to the homeowner and council. You can still be disciplined even if you did provide the ROW to the head contractor.

Typical penalties

When a complaint against an LBP for failing to provide a ROW is upheld, the Board usually issues a fine and requires a payment towards the cost of the hearing. If this was the only offence committed by the LBP, the fine is typically \$1,000–\$3,000 and costs are around \$500.

Quiz

1. When should you provide a ROW?
 - a. When the client has paid for the work.
 - b. When the job is complete.
 - c. When your part of the job is complete, or you do not anticipate returning to do more work.
2. The Building Act requires LBPs to send ROWs to:
 - a. The main contractor who engaged them.
 - b. The homeowner and the territorial authority.
 - c. The homeowner and/or the territorial authority, if they ask for one.
3. If the Board finds that you failed to provide a ROW, the likely disciplinary action will be:
 - a. Cancelling your licence.
 - b. A fine and payment of costs towards the enquiry.
 - c. Nothing, as long as you agree to fill in the ROW.

Check answers (<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-93/keeping-your-records-straight/quiz-answers-keeping-your-records-straight/>)