

How to Issue a Building Dispute in VCAT – What You Need to Know

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The Victorian Civil & Administrative Tribunal (VCAT) is established to hear and decide on a range of matters – including domestic building disputes – without the formality, procedures and cost of the traditional court system. Other possible venues for resolving these disputes include external mediation between the parties, conciliation through Building Advice and Conciliation Victoria, or through Consumer Affairs Victoria and the Building Commission.

Which building disputes can be heard in VCAT?

Notably, VCAT has exclusive jurisdiction to hear disputes involving “domestic building work”, as defined in section 5 of the *Domestic Building Contracts Act 1995*.

VCAT’s Domestic Building List resolves disputes concerning the construction, alteration or demolition of a home, including:

- Domestic building disputes between owners and building practitioners (including builders, sub-contractors and architects);
- Domestic building disputes between builders and sub-contractors; and
- Appeals against decisions made by builder warranty insurers.

There is no monetary limit on building disputes that can be brought to VCAT.

We have been involved in matters from \$10,000 in dispute to sums in excess of \$2 million in the Domestic Building List.

Which building disputes cannot be heard in VCAT?

However, the Domestic Building List cannot hear disputes relating to commercial building work, or insurance claims regarding household insurance. Instead, these disputes may be heard in court, or resolved by another alternative dispute resolution mechanism.

Who can lodge an Application in the Domestic Building List?

Anyone who is a party to a domestic building dispute can lodge an application at VCAT. This includes owners, builders and other registered building practitioners, sub-contractors, architects and warranty insurers.

Lodging an Application

Applications to the Domestic Building List must be made in the prescribed form and accompanied by the prescribed fee, which will vary depending on the nature and size of the claim.

The application must be accompanied by your Points of Claim, which set out the legal arguments underlying your claim. It is extremely important to get this right, as there are limited opportunities to change your arguments once the application has been filed.

Therefore, you will almost certainly need a lawyer to draft Points of Claim for you. This document is similar to a Statement of Claim in the court system.

Lovegrove Solicitors has a wealth of experience in resolving domestic building disputes through VCAT. We have drafted hundreds, if not thousands of VCAT applications, and can offer advice and assistance to help you through the process.

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