

What is DBDRV?

Fact Sheet



This fact sheet covers:

- ✔ What is DBDRV?
- ✔ Whether you need to take your dispute to DBDRV
- ✔ How to take your dispute to DBDRV

This fact sheet provides general information about Domestic Building Dispute Resolution Victoria.

It is relevant to Victorian homeowners who are attempting to resolve a domestic building dispute with their builders.

1. What is DBDRV?

[Domestic Building Dispute Resolution Victoria \(DBDRV\)](#) is a free Victorian Government service set up to assist Victorian homeowners and builders to resolve “domestic building work disputes”.

At DBDRV, dispute resolution officers (**DROs**) with the parties to resolve building disputes through conciliation.

DROs are sometimes supported by independent building experts, known at DBDRV as “Assessors”. Assessors may be appointed to prepare a report about the building works in dispute.



From **26 April 2017**, in most cases, homeowners with disputes with their builders need to go to DBDRV first, before they can apply to VCAT.

2. Do I need to go to DBDRV?

2.1 What kinds of dispute does DBDRV help with?

DBDRV can only help homeowners and builders who have particular kinds of domestic building disputes. This section will help you understand whether your dispute is one which should be taken to DBDRV.

Importantly, before approaching DBDRV you will need to have first taken “reasonable steps” to try to resolve the dispute with your builder directly, preferably in writing. Once they receive your application, DBDRV will ask you what steps you took to try to resolve your dispute before you made your application.

Disputes between building owners and builders

DBDRV can only assist with disputes arising from a domestic building contract between you and:

- your builder
- your building practitioner (as defined in the *Building Act 1993*)
- a sub-contractor, or
- your architect.

Disputes about works at a home

A domestic building contract must relate to a home. This means that the property in dispute is intended for use as a residential premise, even if it forms part of a commercial building or industrial premises. This does not include caravans, motels or rooming houses.

A domestic building contract may, in relation to a home, include the following works:

- erection of a home
- alteration of a home
- repairs to the home
- construction of a new home
- extensions to existing homes
- demolition works
- renovation of a home
- improvement work to a home
- removal

EXAMPLE – A DOMESTIC BUILDING WORK MATTER

Jemima has recently had some renovation work done in her upstairs bedroom. A few weeks after the works were completed, she noticed that when it rains, water leaks into the upstairs bedroom through the ceiling. She believes this building defect is a result of the renovation work. Jemima has tried to resolve the matter with the builder, but he denies he is at fault.

Jemima may wish to bring this matter to DBDRV.



EXAMPLE – NON DOMESTIC BUILDING WORK MATTERS

Henry's neighbour Bill has recently had a garage built. After its construction, Henry noticed some damage on the side of his house. Henry believes the damage is the fault of the builder Bill employed.

Henry will not be able to bring this matter to DBDRV. His dispute is with his neighbour, rather than a builder Henry hired to perform work at his own house.



2.2 Do I always have to go to DBDRV first?

Generally you will **not** be able to take your domestic building work dispute to VCAT without first trying to resolve your dispute at DBDRV.

If your dispute fails to resolve at DBDRV, you can apply to have your matter heard at VCAT.

You must attach the Certificate of Conciliation issued by DBDRV to your VCAT application to show that you have already tried to resolve the dispute through conciliation.

I WENT TO BACV

If you complained to Building Advice and Conciliation Victoria (**BACV**) before 26 April 2017, you do not need to go to DBDRV. But, you will need a letter from Consumer Affairs Victoria confirming that your complaint was made before this date.

CAUTION – LIMITATION PERIOD

Generally, you have 10 years from the date an occupancy permit or certificate of final inspection was issued to initiate legal proceedings in relation to building actions. Initiating legal proceedings means submitting an application to VCAT or to a relevant court; it does not include applying to DBDRV.

Once the 10 year limitation period lapses, you will no longer have the right to commence legal proceedings in relation to the building action. You should seek legal advice if your limitation period is about to expire.

You can bypass DBDRV and go straight to VCAT only if your domestic building dispute falls within one of the below exceptions. In all other circumstances, you must first go to DBDRV with your domestic building dispute before you can go to VCAT.

Exception 1: Disputes with a single tradesperson

You do not need to go to DBDRV first if your dispute relates to work carried out under a contract for **one type of work only**, where the work was:

- attaching external fixtures (including awnings, security screens, insect screens and balustrades)
- electrical work
- glazing
- installing floor coverings
- insulating
- painting or plastering
- tiling (wall and floor)
- plumbing work including drainage, fire protection work, gas fitting, irrigation (non-agricultural) work, mechanical services work (heating and cooling), refrigerated air conditioning work, roofing (stormwater) work, sanitary work, gas appliance conversion and servicing work or water supply work (but not work carried out by a gas company or water authority or drainage works by a council)
- erecting a chain wire fence to enclose a tennis court
- erecting a mast, pole, antenna, aerial or similar structure.

If your dispute is with a single tradesperson engaged by you to carry out only one of the above tasks, you can apply to VCAT directly by completing this [application form](#).

Exception 2: Seeking an injunction from VCAT

You do not need to go to DBDRV first if you are seeking an injunction from VCAT. An injunction is an order from VCAT that stops a party from physically doing something that causes damage to you.

You can read more about asking VCAT for injunctions [here](#).

Exception 3: Disputes that have been to BACV

You do not need to go to DBDRV first if your dispute has already been the subject of a complaint to BACV before 26 April 2017.

If this is the case, you will need to provide a letter from Consumer Affairs Victoria (**CAV**) to VCAT. The letter must state that BACV had received your complaint before 26 April 2017. To obtain this letter from CAV, please call 1300 558 181 and follow the prompts for domestic building disputes.

Once you have obtained this letter, you can apply to VCAT directly by completing this [application form](#).

In summary, you can go to DBDRV if:

- ✓ **You have a domestic building dispute:** you and a builder cannot agree about a dispute arising from a domestic building contract that exists or existed between you.
- ✓ **Your dispute relates to domestic building work:** it relates to the erection, construction, demolition, renovation, extension, improvement or alteration of your home.
- ✓ **Your limitation period has not yet lapsed:** either the work has not yet been completed or it has been completed within the last 10 years.
- ✓ **Approaching DBDRV is *not* your first attempt at resolution:** you have already attempted to resolve the dispute directly with the builder.

You cannot go to DBDRV if:

- ✗ **Your dispute does not relate to domestic building work:** the works in dispute are not for the purpose of a residential premise
- ✗ **Your dispute did not arise from a domestic building contract to which you are a party:** the matters in dispute must arise from works carried out as part of contractual arrangements you entered into
- ✗ **Your matter falls within one of the three exceptions addressed on page 3**
- ✗ **Your limitation period has lapsed:** the works were completed more than 10 years ago

3. How do I take my dispute to DBDRV

Applying to DBDRV is simple - visit the DBDRV website at <https://www.dbdrv.vic.gov.au> and click on "Start your application".

Alternatively, you can send your application by post. For details about how to do this call the Building Information Line on 1300 55 75 59 between 9:00 am and 5:00 pm, Monday to Friday.