

# The rights stuff

## Know your rights to construction defects

Tay Suan Chiang

YOU move into your new home but find that the contractor's work was not as good as he promised. Instead of putting it down to bad luck, home owners can take action.

Published by Sweet & Maxwell Asia, *Construction Defects: Your Rights And Remedies* by Monica Neo (inset) lets home owners know about their rights and what they can do.

Ms Neo is one of the directors at Chan-Tan LLC. Her law practice focuses on construction and construction-related matters.

Life! picks some tips from her book.

### ▶ **The contractor is still liable for defects after a year**

The maintenance or defects liability clause states that a contractor is obliged to rectify defects found during the maintenance or defects liability period, which is usually a year. Even after the liability period expires, they are still liable for the defects.

The only exception is where the contract states otherwise.

However, after this liability period expires, home owners cannot insist that the contractor rectify the defects. But they can bring action against the contractor.

### ▶ **You can sue more than one party**

In building defect cases, it is common for defects to be either of flawed design and/or poor workmanship. In cases where the defect is due to a combination of both flawed design and poor workmanship, the court may hold the designer and the contractor jointly liable for the defect.

### ▶ **Provide a clear and detailed report**

A detailed report can help make a stronger case against the contractor and/or designer.

It should state the location, nature and extent of the defects. Photographs of the defects are also handy, along with sketches or diagrams explaining the deficiencies.

### ▶ **Make your claim within six years**

Under the Limitation Act, home owners making a claim for defects in tort must make the claim within six years of its occurrence, or they will not be entitled to pursue their claim in court.

The courts to approach will depend on the claim's amount. Home owners can pursue their claim in the Small Claims Tribunal if the sum is less than \$10,000. Magistrates' Courts have the right only to hear claims that do not exceed \$60,000.

▶ *Construction Defects: Your Rights And Remedies* by Monica Neo is available at major bookstores for \$19.90.

