
Sent: Thursday, 13 September 2012 1:14 PM
To: Transport Housing and Local Government Committee
Subject: Enquiry into the BSA

Follow Up Flag: Follow up
Flag Status: Completed

To Whom this may Concern,

I as an owner and a member of the body corporate of a 10 story multi apartment residential building in Central Queensland have seen at first hand the negligence, incompetence and complete ignorance from developers, builders, certifiers and the QBSA to act in accordance with the building act.

There have been many events and processes being taken to this point and will only explain briefly to you the unfolding of events that took place from before settlement of apartments in 2010 to now where the buyers into these are left with a huge rectification process along with the pain, the grief and financial difficulties that have been burdened upon us to the point where sales cannot be achieved because of the known issues surrounding these apartments.

January 2007: Approximately 12 off the plan dual key apartment sales takes place through to approximately June 2007.

February 2007: Councils warns developer that dual key apartments are not approved by the decision notice. Dual key apartments had never been approved and with sales of the original off the plan sales in April 2010 and beyond with developers still marketing and selling more apartments through to November 2010.

April 2008: Excavation commences onsite.

July 2008: One of the developers is issued with a shop fitter's license.

October 2009: Clearly the developers are trading insolvent as from evidence produced at a later time

December 2009: Builder is removed from site and one of the developers with his shop fitter's license takes over the completion of the building. Clearly this is not the license that is required from the QBSA to complete a building of this description.

April 2010: It is now evident to most of the owners on inspection of the building that finishes to apartments and common areas are of a sub standard nature and are having doubts to possibly not even settling and have banded together in an effort to work out what the hell is going on. Soon after the developers issue the contracts for settlement and off the plan sales are completed with us suspecting buyers and mostly solicitors are advising to settle.

May 2010: Owners of these apartments walk through the building and list complaints against the builder issued to the QBSA.

November 2010: It is now evident that many problems are starting to show from major defects and with an early wet season upon us many apartments are having now experiencing water intrusion to the point where some apartments are not habitable.

December 2010: Receivers appointed for the developers with receivers/bank having about 26 unsold apartments to be dealt with.

January 2011: From now to toward the end of the year due diligence is done by obtaining building defect reports, fire audits, records from relevant authority's such as city council etc, and lawyers recommendations moving forward.

January 2012: From here on has been the unfolding and step by step approach of evidence produced from comprehensive building reports, fire audits, council records and lawyer's advice that the degree of non compliances from the developer, builder and certifier is enormous as with the expenses to rectify this building into a compliant state. Close to \$250,000 has been spent to date on lawyers, building reports etc. Some owners will not be in a position to proceed with payments to proceed with the rectifying process and may force them into bankruptcy.

The evidence we have in our possession from the many qualified professionals within the industry of the over whelming support for the injustices we have been dealt is compelling and are at time here now where the QBSA has never shown any interest in our complaints where if they had of done there work correctly from there due processes then we would not be in the position we are in.

Clearly the certifier has not acted in accordance with his duty as we have hundreds of pages of building reports supporting the many breaches he has committed to the point where it would be possible he was never onsite or maybe onsite with eyes wide shut. We have recently put in another compliant to the QBSA aimed at the certifier for 43 breaches of his duty.

As you can read from my writings here that it is possible that early intervention from the QBSA could have prevented the enormous issues we have been dealt and whilst the QBSA may do some good work and handle some complaints diligently, the QBSA has not played there part in our case.

The body corporate have in our possession an over whelming support of evidence to pursue compensation and justice and to some extent may hinge on the outcome of the enquiry to supposedly fit a jawbone with teeth into the widespread description of the QBSA being a toothless tiger.

Thank you

Noel Matsen