

MISSED OWNER INSPECTIONS

The Building Act 2004 is black-and-white about compliance and the issue of building warrants of fitness. Because of this, a single missed or unrecorded inspection will prevent the issue of the warrant as the warrant cannot declare that the “inspection, maintenance and reporting procedures have been fully complied with for the previous 12 months.” While most councils have been happy to accept a warrant as long as we have raised this with the owner and ensure progress moving forward, the pressure has been increasingly applied on councils to follow the legislation. This becomes a problem in new buildings and where a change of ownership or tenancy occurs.

In a request for a solution from the industry, the Ministry for Business, Innovation and Employment have created a system which will allow a warrant to be issued where one or more inspections have been missed by the owner. This is a special declaration which has to be made by the IQP identifying what was missed, declaring that the cause of the missed inspection has been resolved, identifying that the system has since been tested and proven in full working order, and confirming the inspections will not be missed in future.

This is a System Report and Declaration, (or “S-RaD”) and replaces the Form 12A from the IQP. The warrant of fitness is replaced with a Building Report and Declaration (or “B-RaD”) and is issued to council and displayed on the wall in place of the warrant of fitness. While this is an excellent development to allow the issue of warrants on buildings which had been empty, or where records had been misplaced, it has meant that councils now no longer accept a warrant where some other non-compliance might have otherwise allowed discretion to be considered.

This is not a “get out of jail free” card. This is strictly for use to identify that one or more inspections have been missed but that the systems are fully compliant at time of the issue of the forms. This is also a once-only offer and an S-RaD or B-RaD will not be accepted for consecutive years. Any further missed inspections will mean your building cannot have a building warrant of fitness the following year. Monthly inspections must be recorded every month, while any daily inspections (for crowd occupancies) are to be recorded for each day the building is occupied for crowd purposes.

Any non-compliances identified on systems must still be rectified before the warrant of fitness or any other form can be issued.

The councils are now auditing buildings with greater vigour. Most councils expect to audit every building at least once every 5 years, and higher risk buildings can expect audits at higher frequencies. During the audit, these records will be requested and any anomalies in the systems or the inspection records will likely result in the removal of the warrant of fitness displayed in the building, and fines to be issued under the Building Act for “displaying a false or misleading” warrant. This would normally be followed with ongoing enforcement action.

Please ensure your owner inspections are in full compliance with the requirements of your compliance schedule. While we can issue a S-RaD and B-RaD, there will be an additional fee for the reporting to council and this will not be an ongoing solution. If completing owner inspections is a problem, talk to our team about FFP completing the monthly inspections while we check the fire systems on site.

