

Q. 34 **Identify the term for each of the definitions listed in the table below.**

Answer

Term	Definition
Addition	Any construction or change to a building or facility that increases its external dimensions and cubic contents.
Abitration	A procedure for resolving disputes that involves less formality than a court hearing. An arbitrator's decision is final and cannot be appealed.
Building Act 1993	A legal enactment by a parliament that specifies the procedures to be used in the building control process, outlines the functions and composition of the controlling body or bodies, and grants power to create subordinate regulations, ordinances or by-law.
Building Inspections	Assists builders, contractors and owners by ensuring that construction projects meet building regulations and codes of practice. Inspections assess design documentation and make on-site inspections during building work.
Certificate of Final Inspection	Demonstrates that a building, other than a dwelling has been inspected and passed according to the <i>Building Regulations 2006</i> . It is obtained once the final inspection has been inspected and passed.
Compliance	The achievement of performance criteria described in a regulation or other statutory requirement. This is usually demonstrated by a compliance or approval certificate.
Contract	An agreement entered into between two or more parties that involves an exchange or specified goods and/or services for specified financial reimbursement or other considerations.
Domestic Dwelling	One or more buildings which in association constitute a single dwelling being a detached house or one or more attached dwellings.
Major Domestic Building Contract	Required if you engage a building practitioner or tradesperson to carry out building work valued at over, \$5,000.



Owner Builder	A person who carries out domestic building work on his her own land, who is not in the business of building.
Private Building Surveyor	Independent professionals with the same power to issue building permits and occupancy permits as municipal building surveyors.
Qualified Person	A person accepted by the appropriate authority as qualified to design, construct (or install) or supervise the erection of, buildings or services; usually recognised by a certificate of registration.
Site Coverage	That part of an allotment which is covered by buildings, expressed as a percentage of the area of the allotment.
Warranty	A minor clause in a contract the remedy for breach of which is damages for any loss. Also, a promise to repair or replace defective goods.

Q. 35 Explain the terms listed in the table below.

Minor breach of contract	A minor breach of a contract may occur if the breaching party has failed to undertake a task such as carrying out a final clean. The purchaser is still getting the result they were after however they may need to get someone else in the carry out the clean and recover the costs from the breaching party.
Material breach of contract	A Material breach is any failure to perform an aspect of the contract. Using the cleaning example again, the breaching party may have failed to carry out the clean which lead to carpet install being delayed so therefore not only did they not do a task as outlined in the contract, they also delayed others so the non-breaching party is entitled to liquidated damages.
Fundamental breach of contract	When a fundamental breach occurs, it allows the aggravated party to terminate the contract. For example a contractor is engaged to install fire walls however does not use fire rated board. Not only does the non-breaching party have the right to terminate the contract, they can also claim for the cost involved to pull down the existing wall and re-install in the correct materials and not have to pay the original contractor.

Q. 38 When might 'apparent consent' be negated?

Apparent consent may be negated or made ineffective due to mistake, fraud, innocent misrepresentation, duress or undue influence. All of these are defences to the enforcement of the contract.