

# Media Release

13 June 2017

## Disciplinary action against Rangeview Estate building surveyor

Today the VBA announced that it had taken disciplinary action against Mr Peter Eyers.

The VBA has imposed a stringent condition on Mr Eyers' Building Surveyor Licence that significantly restricts his ability to practice. This condition is that **he may not issue any new Building Permits which involve buildings which are attached** until he provides the VBA with evidence that he has obtained a Graduate Certificate in Performance Based Building and Fire Codes from Victoria University of Technology (or a qualification that the VBA considers is equivalent).

As an additional measure to protect consumers, the VBA also requires Mr Eyers to provide updated checklists and processes for all work he may carry out in the future across all different classes of buildings and in particular, properties that share a wall such as townhouses or apartments.

While the primary responsibility and culpability for the defective and non-compliant work in this matter was largely with the builder, David Brayer<sup>1</sup>, the VBA considered Mr Eyers' breaches of the Building Act were serious enough to warrant further discipline and imposed fines totalling \$25,500.00.

1. In February 2016, the builder, David Brayer, was found guilty by the Building Practitioners Board (BPB) of four allegations in relation to the construction of 69 townhouses in an estate in Diamond Creek. The practitioner had breached the Act by building walls between the townhouses that did not meet fire separation standards in accordance with the Building Code of Australia. The builder had also breached building regulations by failing to carry out work in a competent manner and to a professional standard, for failing to adhere to performance requirements and in relation to construction of the walls. Furthermore, he was responsible for a variety of other defects at the properties including water ingress, poor standard of painting, lack of sound proofing between walls, no awnings over the balconies, and external timber cladding being buckled and warped.

Mr Brayer was also found guilty under the Act for conduct which constituted gross negligence or gross incompetence showing that he is not a fit and proper person to practise as a building practitioner.

Further information can be found [here](#).

### **Determination**

On 24 May 2016, there was a VCAT decision on appeal of the BPB's original decision. The cancellation of Mr Brayer's registration became effective from 3 February 2016 and he was disqualified from being registered in any category until 16 August 2018. He was also fined \$45,501.00.

ENDS

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