

## Builder fined for failing to comply with permit

A Victorian builder has been fined more than \$4000 for carrying out work outside of the scope of his permit and leaving a homeowner with an unfinished property that he failed to fix when instructed to.

Darley man Daniel Poynton was fined for carrying out building work not covered by his building permit, failing to comply with a direction to fix building work as issued by the relevant building surveyor and failing to perform work in a competent manner and to a professional standard.

Mr Poynton was contracted to construct a new single storey home with a garage in Riddells Creek in 2018 but a series of issues led the owner to request a site inspection that identified building work which failed to comply with the [building permit](#).

Building work found not in accordance with the approved building permit included a change of the alfresco beams and installed windows which were deemed non-compliant with the bushfire requirements as listed on the plans, and sliding door changed from aluminium to timber framed.

Mr Poynton had also demanded and received a progress payment for the framing stage of construction when he wasn't entitled to do so, as the frame had not yet been approved by the relevant building surveyor, posing an insurance risk. The frame later collapsed.

The Victorian Building Authority's (VBA) Director of Compliance and Enforcement, David Brockman, said builders must understand and comply with the relevant permits.

"If you are issued a building permit it is your responsibility to understand what that specific permit entitles you to do and not to do," he said.

"There is a process you must follow and you cannot charge clients for work that you have not yet done."

The VBA found that Mr Poynton's clients had lost faith in him and had suffered an emotional and financial burden.

"When a building practitioner does wrong by a client this affects the entire Victorian industry as it damages consumer confidence and erodes trust."

Mr Poynton was fined \$4150 and received reprimands under section 178(a) of the Building Act.

Victorians wanting to engage a builder or plumber can visit [vba.vic.gov.au/find](http://vba.vic.gov.au/find)

The VBA has an online [consumer resource portal](#) with information for anyone who is experiencing issues with builders or plumbers.