

SPECIFIC DEFECTS REPORT

**Relating to the replacement of the
kitchen and associated building work**

at

**xxxxxxxxxx,
Elstow, xxxxx,
Bedfordshire,
MK42 xxx**

For

Mr xxxxxxxx

Prepared by:

xxxxxxxxxxxxxx

INDEPENDENT CHARTERED SURVEYORS

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INTRODUCTION AND INSTRUCTION

We have been instructed by xxxxxxxxxx to prepare an independent report and to give the best practical advice on how to complete the kitchen as quickly as possible and to end the dispute.

We have carried out a visual inspection (non evasive) of the property on xxxxxxxxxx.

The weather was cold and bright at the time of the inspection.

We are Independent Chartered Building Surveyors and professional members of:-

The Royal Institution of Chartered Surveyors (RICS)
and
The Independent Surveyors and Valuers Association (ISVA).

Report prepared by:

xxxxxxxx BSc MSc FBEng MRICS, MCIOB
Chartered Building Surveyor
Chartered Builder

For and on behalf of
xxxxxxxx

The work has been carried out as per our standard Terms and Conditions of Contract which have been emailed to you as part of the confirmation of our instructions. If you would like further clarification please do not hesitate to contact us.

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SYNOPSIS

An installation of a new kitchen was agreed with xxxxxxxxxxxx with work to commence on xxxxxxxxxxxx and to complete on the xxxxxxxxxxxx. As we understand it all work was specified on a one page contract which consisted of a pre-printed sheet with handwritten quantification and identification of kitchen units.



Original Kitchen
(clients photo)

Works consisted of (based upon our verbal discussions with xxxxxxxx);

1. Demolition: the removal of the wall dividing the kitchen from the utility room and associated work included the relocation of the boiler and electrical and gas work as needed.
2. Floor and wall mounted kitchen units including a kitchen island.
3. Ceiling redecoration.
4. Wall redecoration.
5. New floor tiles



New Kitchen

As far as we can see the contract is not specific with regard to the quantity of work or quality without British Standards or Codes of practice being referred to. In fact it offers the contractors the option to replace kitchen units with those of an equivalent value.

The contract fee was £14,500 (fourteen thousand, five hundred pounds). Seven thousand of this has been paid and work has ceased on the project on the xxxxxxxxxxxx after disagreements.

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EXECUTIVE SUMMARY

Summaries are not ideal as they try to précis often quite complex subjects into a few paragraphs. Here we give a summary of the problem and our various suggestions on how to solve it and all costs it relates to.

1.0) Quality of work

We have reviewed the quality of work and would generally comment that in its present condition it is in average / below average condition of what we would expect to see. We would caveat this by advising the work is obviously not complete and we have not seen a detailed specification or spoken to the builders with regard to the work.

1.1) Specification

The specification appears to be a one page (A3) sheet identifying the units required. The terms and conditions, we would say, put xxxxxxxxxx in an advantageous position whatever the outcome.

2.0) Relationship with Builder/Kitchen Fitter

From what we understand the builder/kitchen fitter was known on a semi-friendly basis but now communication is limited. You advised us that you are not happy to have the contractors back to the property to finish the work and as such limits options available to you for resolving the matter.

3.0) Proposed resolution and limitation liability

We discussed various courses of action with you during the course of the survey. We do feel that while you may have a case with regard to this matter the legal course of action will take far longer than you wish to resolve this matter as we believe you are aware.

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You have also discussed with us the completing of the work with another party. We do feel that you need to advise the original contractor of what you are proposing in writing and propose the end of the contract and the end of any further work. However, as far as we can see (remember we are not Legal Advisors), you do have a legal obligation to them to complete the work.

Given your requirement to complete the work fairly quickly and not have the original contractor return to the property we feel the best course of action is to seek legal advice and have a legal letter prepared advising the contractor that you consider the standard of workmanship to be below normal standards and that you have had this inspected by a Chartered Building Surveyor and that the report is available if they wish to see it.

Also advise that you consider the £7,000 (seven thousand pounds) that you have paid to date to be a full and final settlement with no future liability for either party. We feel your letter needs to advise that you consider the work is not up to standard and that the contractors have now left you in a position where you will have to carry out remedial work to resolve the possible issue with the removal of the wall and also to have the boiler and the electrics finished and checked.

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Should I go to court or ADR - Alternative Dispute Resolution?

You may have come across the phrase ADR or Alternative Dispute Resolution. This relates to the action that should be taken prior to going to court. It is generally considered good practice that you look at alternative ways of resolving the dispute before you go to court and indeed the courts can request for you to advise them of what Alternative Dispute Resolution methods have taken place before court action.

Alternative Dispute resolutions can take the form of:

1. Mediation - where you work together to come to an agreed solution.
2. Single joint experts - where an expert advises as to the course of action they feel is best fitting.
3. Arbitration - where both parties present their case and an appropriate arbitrator advises.

All of these can be carried out with or without legal advice and some are carried out in a court like environment.

The reason why ADR is recommended is that often court cases can have spiralling costs and are time consuming as well as being public.

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SURVEY FINDINGS

A brief summary of what was found.

EXTERNAL

1. From our visual external inspection we noted:

1.1 Walls

There are openings to the right hand gable wall that have not been made good or have not been fitted around the flue. We would also comment that we would expect the flue from the gas boiler to come out further away from the wall. This should be confirmed and checked by a heating engineer while carrying out a Gas Safe test and inspection. Please see our later comments.



External wall

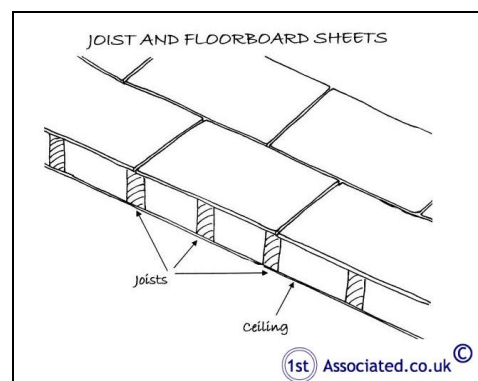
INTERNAL

2. From our visual internal inspection we noted:

Ground floor – kitchen (rear right)

2.1 Ceilings

These are decoratively in a semi-unfinished state. Our main concern is that the structure may not comply with Local Authority approval/ Building Regulation requirements.



Ceiling with joist and floorboard sheets above

ACTION REQUIRED: The contractor needs to provide

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evidence that Building regulations have approved the alterations and/or do not need to approve the alterations. Open up the ceilings and request a Local Authority Building Control Officer to visit the property to advise on remedial action required to meet Building Regulations. This may also require a Structural Engineer who prepares calculations.

2.2 Walls

Internal wall

As you are aware an internal wall has been removed. Unfortunately it is unclear whether it is a structural wall or not.

Perimeter Walls

The perimeter walls are incomplete with areas including unfinished plastering, for example, behind the upright fridge/freezer and around the electric point.

ACTION REQUIRED: Making good of the walls.

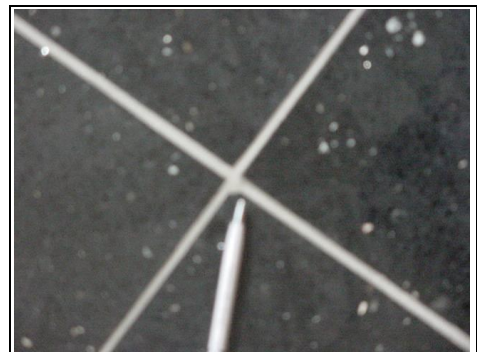
2.3 Kitchen Units

As we understand there is a discrepancy as to whether the kitchen units provided are those ordered as the specification relates to a manufacturing reference without any further explanation.

2.4 Floors

The floor tiles are uneven and some are damaged.

ACTION REQUIRED: Make good as necessary. It is always very difficult to make good a laid tiled floor and great care has to be taken if not more damage can be caused and of course you do



Tile needs replacing

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need to be able to match the existing tiles.

2.5 Boiler and electrics

From our discussions with you and as we understand it there is no Gas Safe certificate or Institute of Electrical Engineers (IEE) certificate carried out by an NICEIC approved electrical contractor. The gas boiler was working and the electrics were unfinished and taped at the time of our inspection.



Unfinished electrics

First Floor - Bedroom (rear right)

You advised that the bedroom floor has more deflection than previously. We were unable to confirm if the ceiling has been constructed to Building Regulations or not as the floor is covered with laminate flooring which limits our view.

We did not notice any, what we term as, excessive deflection based upon an impact test. However this does not mean that the floor has been constructed to appropriate Building Regulations standards.

ACTION REQUIRED: The builder needs to provide evidence of the work carried out and the materials used and structural calculations.



Movement between the ceiling and the architrave



Crack in the wall

Note: we have not moved furniture or fixtures and fittings. The full areas inspected are identified within the inspection part of the report and this should show anything in this section.

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DOCUMENT REVIEW

Drawings and specifications

As far as we are aware there are no drawings or specifications carried out with regard to this alteration. We were shown a visual of the kitchen but we were advised this was from another company. We noted no British Standards or Codes of Practice.

Contract Document

The contract document that we saw was on an A3 size paper which was pre-printed and had manufacturer's reference numbers with regard to the kitchen units supplied. On the reverse it had a pre-printed standard terms and conditions.

Again we would reiterate that we are not Legal Advisors. We have read the terms and conditions and would comment as follows.

Terms and Conditions

Here we give some example numbered clauses although we would add that we are Chartered Surveyors and not Legal Advisors.

3. No right to terminate the contract except with the agreement of xxxxxxxx in writing and an indemnity for the company against all loss.
4. Title of goods shall not pass to client until the company has been paid in full.
8. Completion A - This identifies that time is not of the essence and therefore cannot be used against them.

Completion D - Free and adequate access should be given

9. Product specification - Rights are reserved to substitute materials with an equivalent value basis.

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10. Method of installation is totally at the discretion of the company
xxxxxxx.

14. Reference to disputes as a single arbitration clause is in place.

Bear in mind these clauses and take legal advice with regard to the others
when communicating with xxxxxxxx.

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SUMMARY UPON REFLECTION

The Summary Upon Reflection is a second summary so to speak, which is carried out when we are doing the second or third draft a few days after the initial survey when we have had time to reflect upon our thoughts on the property. We would add the following in this instance:

Email discussion

Just to clarify the discussion we have had via email with regard to the removed wall. Unfortunately even with the photographs that you provided we are unable to confirm one hundred per cent whether the ceiling/floor joists needs support or not as the photos do not show the wall as it was being taken out as far as we can see. As we said in our email we would err on the cautious side and assume it was a structural wall and therefore will need a lintel. This is, of course, unless the builder that carried out the work can prove otherwise.

From our understanding you are keen to have the kitchen completed as soon as possible and, as such, time is of the essence. Unfortunately resolving disputes such as this, in our experience, does take far more time than anyone ever imagines. We feel from our discussion with you that your best course of action is to have a solicitor prepare a letter advising that you are no longer happy for xxxxxxxxxx to continue work and that you wish the £7,000 (seven thousand pounds) that you have paid to date to be the full and final settlement.

We would also advise you to comment that the situation has left you in a situation where you will have to:

1. Open up the ceiling to check and confirm the ceiling timbers have been correctly supported. Liaise with the Local Authority to check and confirm if Building Regulations are needed and possibly need to add a lintel.
2. Repair the ceiling and carry out associated re-decoration.
3. Carry out remedial works / repairs / replacements to the damaged floor tiles.

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4. Complete the electric work and have an Institute of Electrical Engineers (IEE) periodic test and report carried out.
5. Complete the gas works and have a Gas Safe test and certificate.
6. Carry out associated preparation and redecoration work.

It is very hard to put a cost on these elements as many of them are very labour intensive such as the opening up the ceiling and discussions with Local Authorities and also making good of the floor.

If you would like any further advice on any of the issues discussed or indeed any that have not been discussed! Please do not hesitate to contact us on 0800 298 5424.

XXXXXXX

BSc MSc FBEng Chartered Building Surveyor and Chartered Builder

For and on Behalf of

XXXXXXXXXXXXXX

Independent Chartered Surveyors

This Report is dated: xxxxxxxx

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APPENDICES

CONSTRUCTION SUMMARY

INSPECTION

PHOTOGRAPHIC RECORD

SELECTION OF CLIENTS PHOTOS

BUILDING INSURANCE

TIME LINE

REQUESTS FOR INFORMATION

HOUSEHOLD INSURANCE

CONTACT INFORMATION

LIMITATIONS

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CONSTRUCTION SUMMARY

External

Main Roof: Pitched, clad with concrete tiles

Roof Structure: Not viewed

Gutters and Downpipes: Plastic (assumed)

Soil and Vent Pipe: Plastic (assumed)



External of property

Walls: Stretcher Bond Brickwork (assumed)

External Joinery: Plastic double glazed windows
Timber Fascias and Soffits

Foundations: Not inspected

Internal

Ceilings: Plasterboard (assumed)

Walls: Solid and studwork partitions (assumed in
the limited number of rooms viewed)

Floors: Ground Floor: Concrete (assumed)

First Floor: Joist and floorboard sheets (assumed)

We believe the wall mounted boiler is manufactured by Vaillant and is located in the kitchen. The electric fuse board was not seen. The earth test was carried out on two of the socket points on the right hand wall in the kitchen, these were satisfactory.

We have used the term 'assumed' as we have not opened up the structure.

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INSPECTION

Our inspection has been specifically related to the replacement kitchen and the associated building issues detailed below:

Visual Inspection

Our inspection has taken the format of a visual inspection:

1. External of the property of the:

- 1.1 Front
- 1.2 Rear
- 1.3 Right hand side

2. Internal of the property

We have viewed:

Ground Floor

- 2.1 Kitchen (rear right)

First Floor

- 2.2 Bedroom (rear right)

- 3. Roof space, not viewed
- 4. Surrounding areas, not viewed.
- 5. We have had discussions with xxxxxxxxxxxx .
- 6. We have not spoken to the builder or the kitchen fitter.

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PHOTOGRAPHIC RECORD

External



Front view of the property



Flue from the boiler



Circular hole not made good



Hole in brickwork not made good we assume from a vent



Right hand gable wall



Hairline crack above kitchen window

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INTERNAL

Kitchen (rear right)



Kitchen before (client's photo)



Kitchen after

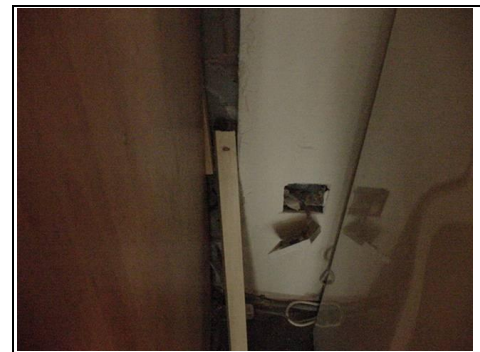
Walls



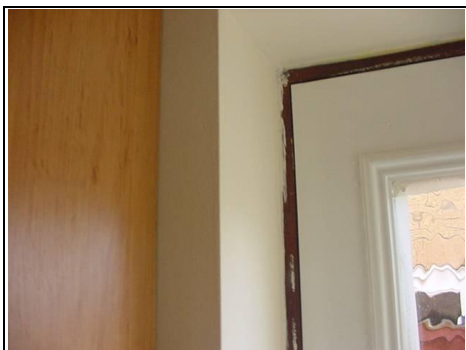
Unfinished wall repairs -internal



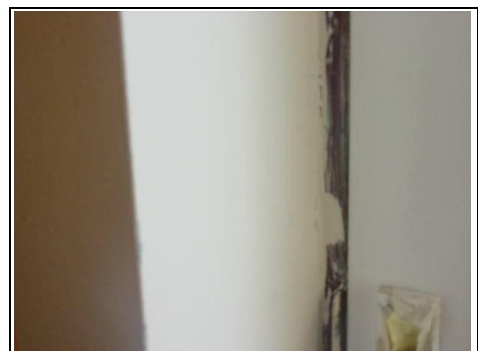
Unfinished plastering



Unfinished wall.
Unfinished electrics



Unfinished painting



Unfinished painting

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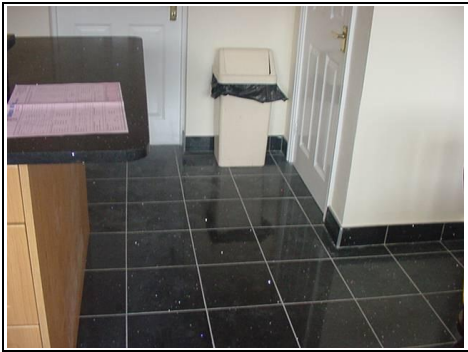
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Floor



Tiled floor



Grouting does not line up in some areas

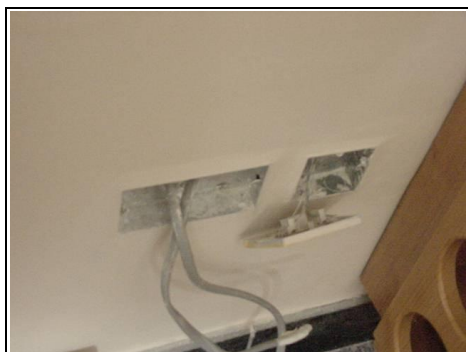
Electrics and gas



Unfinished electrics



Unfinished electrics



Unfinished electrics



Earth test on loose socket



Unfinished gas work
Hob is balanced on worktop

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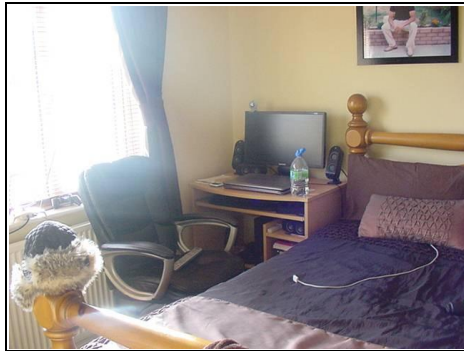
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First floor – Bedroom (rear right)



Bedroom

Ceiling



Movement in the ceiling



Movement in the ceiling



Doors do not align anymore

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SELECTION OF CLIENT'S PHOTOGRAPHS

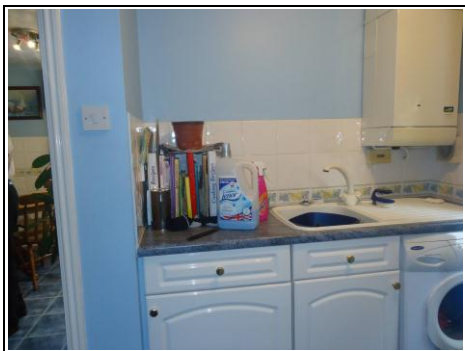
These photos were forwarded to us on the xxxxxxxxxxxx following our meeting on xxxxxxxxxxxx



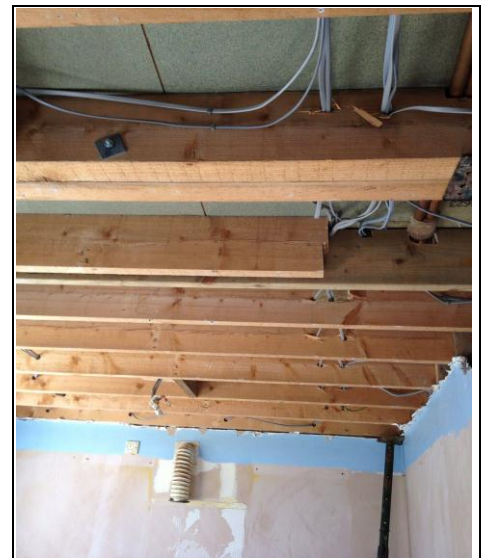
How the original kitchen used to look



How the original utility room used to look



Utility room wall that has been removed/



Ceiling joists



Removing the wall

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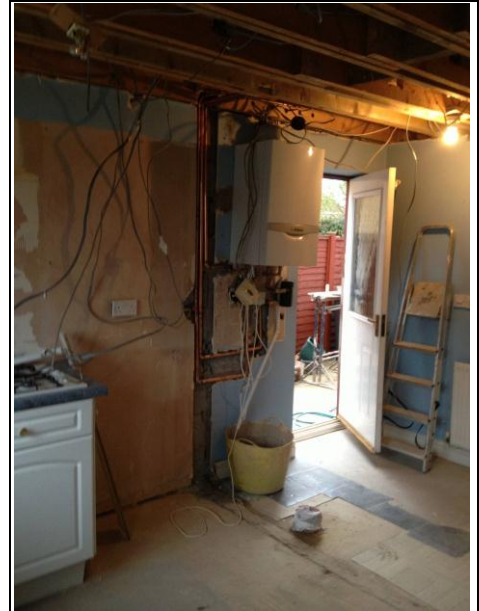
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Wall being removed



Boiler relocated

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Time Line – A brief history of the structure

This has been based upon discussions with xxxxxxxxxx on the 14th November 2012.

DATE	DESCRIPTION
House Built	Late 1990's
Work commenced on kitchen	xxxxxxxxxxxx
Due to complete	xxxxxxxxxxxx
Work ceased	xxxxxxxxxxxx

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REQUESTS FOR INFORMATION

- 1) Any information with regards to the original specification and drawings of how the work was to be carried out.
- 2) Any certificates from Local Authorities with regard to Building Regulations approval.
- 3) Electric certificate.
- 4) Request a Gas Safe certificate.

HOUSEHOLD INSURANCE

Some household and contents insurances can help when a building dispute arises and we would recommend you check with your insurance company.

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CONTACT INFORMATION

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LIMITATIONS

Specific Defects Report

1. Conditions of Engagement

Please note: references to the masculine include, where appropriate, the feminine.

Subject to express agreement to the contrary (which in this particular case has been none) and any agreed amendments/additions (of which in this particular case there have been none), the terms on which the Surveyor will undertake the Specific Defects Report are set out below.

Based upon a visual inspection as defined below the Surveyor will advise the Client by means of a written report as to his opinion of the visible condition and state of repair of the specific problem or problems only. In this instance it relates to replacement kitchen and the associated building work.

2. The Inspection

a) Accessibility and Voids

The Surveyor will base this report on a visual inspection and accordingly its scope is limited. It does not include an inspection of those areas, which are covered, unexposed or inaccessible. Our visual inspection will relate to the specific defects shown to us only.

b) Floors

We have not opened up the floor structure. We have only carried out a visual inspection and any conclusions will be based upon our best assumptions.

Roofs

The Surveyor will not inspect the roofs in this instance. We have not viewed the roof space.

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d) Boundaries, Grounds and Outbuildings

The inspection will not include boundaries, grounds and outbuildings unless specifically stated (none stated).

e) Services

We have only carried out a visual inspection of the electrics and the gas. We are not experts in this area.

f) Areas not inspected

The Surveyor will have only inspected those areas identified within the report. His report will be based upon possible or probable defects based upon what he has seen together with his knowledge of that type of structure. If you feel that any further areas need inspection then please advise us immediately.

g) Specific Defects Report

As this is a report upon a Specific Defect we do not offer any comment or guidance upon reactive maintenance and/or planned or routine maintenance items.

h) Whilst we have used reasonable skill and care in preparing this report, it should be appreciated that the Chartered Surveyors cannot offer any guarantee that the property will be free from future defects or that existing defects will not suffer from further deterioration;

3. Deleterious and Hazardous materials

a) Unless otherwise expressly stated in the Report, the Surveyor will assume that no deleterious or hazardous materials or techniques have been used in the construction of the property. However the Surveyor will advise in the report if in his view there is a likelihood that high alumina cement (HAC) concrete has been used in the construction and that in such cases specific enquiries should be made or tests carried out by a specialist.

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4. Contamination

The Surveyor will not comment upon the existence of contamination as this can only be established by appropriate specialists. Where, from his local knowledge or the inspection he considers that contamination might be a problem he should advise as to the importance of obtaining a report from an appropriate specialist.

5. Consents, Approvals and Searches

- a) The Surveyor will assume that the property is not subject to any unusual or especially onerous restrictions or covenants which apply to the structure or affect the reasonable enjoyment of the property.
- b) The Surveyor will assume that all bye-laws, Building Regulations and other consents required have been obtained. In the case of new buildings and alterations and extensions, which require statutory consents or approval the Surveyor will not verify whether, such consents have been obtained. Any enquiries should be made by the Client or his legal advisers.

Drawings and specifications will not be inspected by the Surveyor. It is the Clients responsibility to forward any drawings and specifications that he has or knows the whereabouts of to us to include information in our report. If these are not forthcoming we will make our best assumptions based upon the information available.

- c) The Surveyor will assume that the property is unaffected by any matters which would be revealed by a Local Search and replies to the usual enquiries or by a Statutory Notice and that neither the property nor its condition its use or intended use is or will be unlawful.

6. Fees and Expenses

The Client will pay the Surveyor the agreed fee for the Report and any expressly agreed disbursements in addition.

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7. Restrictions on Disclosures

- a) This report is for the sole use of the Client in connection with the property and is limited to the current brief. No responsibility is accepted by the Chartered Surveyors if used outside these terms.
- b) Should any disputes arise they will be dealt with and settled under English law;
- c) This report does not fall under the Third Parties Rights Act.

8. Safe Working Practices

The Surveyor will follow the guidance given in Surveying Safely issued by the Royal Institution of Chartered Surveyors (RICS).

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