

MITCHELL v GREENFIELD DEVELOPMENT

PLAINTIFF'S BUNDLE

DOCUMENT 1: CONSTRUCTION CONTRACT

This agreement made on 15 January 2024 between Sarah Mitchell ("the Owner") and Greenfield Development Pty Ltd ("the Contractor").

Key Terms: - Contract Sum: \$385,000 (inclusive of GST) - Commencement Date: 1 February 2024
- Completion Date: 1 August 2024 (6 months from commencement) - Liquidated Damages: \$1,500 per week for each week of delay

Clause 15.2 - Latent Conditions: If the Contractor encounters conditions that differ materially from those reasonably expected, the Contractor may claim additional costs subject to providing notice within 5 business days.

Clause 20.1 - Termination: Either party may terminate this contract if the other party commits a substantial breach and fails to remedy it within 10 business days of written notice.

DOCUMENT 2: VARIATION REQUEST

Date: 15 March 2024 From: Greenfield Development Pty Ltd To: Sarah Mitchell Re: Variation Request - Structural Remediation

Dear Ms Mitchell,

During excavation works, we have discovered significant deterioration in the existing foundations that was not visible during our initial inspection. Our structural engineer has assessed the condition and determined that immediate remediation is required.

Scope of Additional Works: - Underpinning of northern wall foundations - Replacement of deteriorated concrete footings - Additional steel reinforcement

Additional Cost: \$45,000 (inclusive of GST) Time Extension Required: 3 weeks

We request your approval to proceed with this essential work.

DOCUMENT 3: PLAINTIFF'S REJECTION

Date: 20 March 2024 From: Sarah Mitchell To: Greenfield Development Pty Ltd Re: Variation Request - Response

I refer to your variation request dated 15 March 2024.

After careful consideration, I do not accept the proposed variation for the following reasons:

1. No detailed engineering report has been provided 2. The claimed conditions should have been identified during pre-contract inspections 3. The cost appears excessive without competitive quotes 4. No breakdown of costs has been provided

I expect the work to continue in accordance with the original contract.

DOCUMENT 4: TERMINATION NOTICE

Date: 10 April 2024 From: Greenfield Development Pty Ltd To: Sarah Mitchell Re: Notice of Termination

We refer to our variation request dated 15 March 2024 and your rejection dated 20 March 2024.

Your refusal to approve essential structural works despite clear evidence of latent conditions constitutes a repudiation of the contract. You have made it impossible for us to complete the works in a safe and compliant manner.

We hereby accept your repudiation and terminate the contract effective immediately.

We reserve all rights to claim for work completed to date and damages arising from your breach.