



Harry Lo <harrykhlo@gmail.com>

Re: Incorrect Thermal broken Aluminum Joinery: 2 Rapare St. Job No.27363 - JSR Construction.

1 message

Harry Lo <harrykhlo@gmail.com>

Thu, Nov 24, 2022 at 6:17

To: Ricky Wong <jsrconstruction.nz@gmail.com>

Cc: Sze Ping Jessica Lo <jlee2609@yahoo.com.hk>

Hi Ricky,

Thank you for admitting that parts of the windows and doors are not thermally broken. The non-thermal-broken door stile is a shared aluminium member with a window.

You are required to replace all the entire windows and doors which are partially non thermally broken by a capable supplier who can provide proper thermally broken products without the aforementioned problem. The warranty of the affected products has to be valid after the replacement.

Thank you for your kind help.

Kind regards,

Harry

On Thu, Nov 24, 2022 at 1:05 PM Ricky Wong <jsrconstruction.nz@gmail.com> wrote:

Hi Harry and Jessica

We visited your house with the General Manager of Hagley and conducted a full inspection of your windows and doors. Your worries of the all the windows was done done with Non Thermally broken was not true. all the windows is done thermal broken, They have all the documents and orders to proof it. and I asl touch and feel the items on site. They are few doors that donot have the stile as explained in pervious letter as well as the letter below. Please find some time to read.

I am happy to go through this with you guys onsite. Please let me know when you are available.

Thank you.

----- Forwarded message -----

From: **Matt McLelland** <matt.mclelland@hagley.co.nz>

Date: Thu, Nov 24, 2022 at 12:37 PM

Subject: 27363 - 2 Rapera Street

To: Ricky Wong <jsrconstruction.nz@gmail.com>

Cc: Tom Ashwin <tom.ashwin@hagley.co.nz>

Hi Ricky,

Thanks for your time today on site at 2 Rapera Street and very nice to meet you.

I wanted to formalise in an email our conversation regarding the concern about the Residential Thermal Heart suite that you have purchased from us for this property.

Hagley is a manufacturer of aluminium windows and doors with our product coming from the APL Group.

The APL Group is the largest supplier of windows and doors in New Zealand and has over 80 window and door manufacturers nationwide through 3 brands being Altherm, First and Vantage.

APL provide us with the manufacturing packs for all our products as well as the testing data that is used through our quoting and pricing programs to ensure all their fabricators are providing a top quality product that is up to specification and code.

The Thermal Heart product has been around for a number of years now and its popularity has increased over time.

APL have been continually developing this product during this course to ensure it continues to comply with the required insulation levels for a thermal aluminium system as well as adding new products and designs to suit all types of projects.

Around 3 years ago the group of window manufacturers met together at an APL conference and discussed a common problem we were facing with the interlocker and stiles of the sliding door units.

We were finding that particularly with darker colour joinery, the product would bend and bow in direct sunlight and the doors were not able to be operated as you can see in the attachment above from APL.

After thorough investigation in New Zealand and overseas, APL made the decision to supply the interlocker and stiles of the sliding door units without a thermal break in it as standard

They modelled these sliding doors to see what the loss percentage of the thermal retention or R Value of the product would be with this solution and found that it was as low as only 4% lost through the unit due to this solution.

APL then compared this to the building code and the R Values required for a thermal suite to achieve and have confirmed that this solution still complies as a thermal system.

To sum up, Hagley are a manufacturer of windows from APL and certainly haven't made this decision ourselves without the confidence that the product is up to scratch and compliant APL have tested and modelled countless doors and data to ensure that the solution of non-thermally broken stiles still achieves the R value required for a thermal system.

Hagley have quoted and provided the APL Residential Thermal Heart suite as per our contract to 2 Rapera Street in full and in spec and in line with the building code.

I have attached above a letter from the Technical Manager of APL to confirm and give confidence that the email above is accurate.

I have also attached our metal extrusion order which shows every piece of metal ordered, confirming that everything has been supplied as per the APL Thermal Suite requirement. All codes show the thermal heart (T/H) code next to them apart from the interlocker and stile which is in line with the above and attachment from APL.

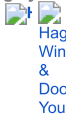
Also attached above is our producer statement for this contract noting the specifications of the windows and doors.

If you have any queries on the information above please let me know but I hope this gives your client confidence that Hagley has provided the windows and doors to the correct specification and per our contract.

Thanks and regards,

Matt McLelland
General Manager
Hagley Windows & Doors

03 33 88 235
0274 800 803
matt.mclelland@hagley.co.nz
www.hagley.co.nz



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Project Manager
Ricky Wong
JSR CONSTRUCTION LTD
0221018468



On Sun, Nov 20, 2022 at 10:06 PM Harry Lo <harrykhlo@gmail.com> wrote:
Kia ora Ricky

Thank you for your effort for building our house.

However, we cannot accept 59% and 8.7 % of incorrect and uncertain thermally broken joinery respectively.

I recognise that we are both victims in this incident. However, I must run this complaint past you due to our contractual relationship. I wonder whether you would like me to contact the subcontractor's directors or senior management about this incident, or whether you would like to do so yourself?

For your reference, I plan to estimate the cost of rectification and will let you know how it is going.

The following evidence showed that your supplier does not have capability to provide the up-to-standard thermal broken aluminium windows and doors though the supplier has accepted the offer to supply you all the thermal broken aluminium windows and doors for our house at 2 Rapere Street, Rolleston 7615.

- 1) After all the aluminium windows and doors are installed, the email from Tom Ashwin from Hagley Windows & Doors on 31 October 2022 at 8:01am stated that I checked the paperwork for our order on which all items are thermally broken as requested.
- 2) The email from Tom Ashwin from Hagley Windows & Doors on 31 October 2022 at 2:02pm admitted that the supplier of the Hagley Windows & Doors has not been being capable of supplying the up-to-standard thermally broken windows and doors for the past couple of years.
- 3) Your email on 17 November 2022 at 4:05 pm showed that the Hagley Windows & Doors on 31 October 2022 at 2:02pm is not capable of compensating the negligence for installing the incorrect products.

You shall provide us with all the satisfied up-to-standard thermally broken aluminium joinery. You are requested to replace and re-install all the incorrect entire windows and doors. Partly replacement of aluminium materials on the site is not acceptable. You are also liable for all our losses of cost including but not limited to the related matters of any material reinstatements, any material variations, any time delay and any opportunity costs incurred by the correction of the aluminium windows and doors. The incorrect and uncertain products are stated below with the corresponding photos and the photo location plan (Figure 1 below). The product quote no. 27363 from your subcontractor attached for your reference.

There are following two issues on the thermally broken aluminium windows and doors:

- 1) The parts of the windows and doors frames do not have the thermally broken strip. These windows and doors make up 59% of the area of all the aluminium joinery products. The total area of these problematic aluminium joinery is 28.8 m sq. The total area of all aluminium joinery products is 48.6 m sq. These problematic products are shown in the following photos (note that the photos and the location plan are given at the end of this email):
 - a) Photo 1 – Indicating the non-thermally broken parts of the Sliding Door “Lounge D6” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 2700; Area: 5.751 m sq.)
 - b) Photo 2 – Typical joint between the vertical frame of the sliding door and the horizontal frame of the window shows that the shared frame between the door and the window do not have the thermally broken strip.
 - c) Photo 3 – Typical slide door frame shows that the slide door does not have thermally broken strip
 - d) Photo 4 – Indicating the non-thermally broken parts of the Sliding Door “Living D6” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 2700; Area: 5.751 m sq.)
 - e) Photo 5 – Indicating the non-thermally broken parts of the Sliding Door “Dining D6” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 2700; Area: 5.751 m sq.)
 - f) Photo 6 – Indicating the non-thermally broken parts of the Sliding Door “Bedroom 3 D5” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)
 - g) Photo 7 – Indicating the non-thermally broken parts of the Sliding Door “Bedroom 2 D4” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)
 - h) Photo 9 – Indicating the non-thermally broken parts of the Sliding Door “Master Bedroom D3” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)
 - i) Photo 12 – Indicating the non-thermally broken parts of the Sliding Door “Bedroom 4 D4” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)
- 2) The frames of the windows that we are not sure if they are thermally broken or not since the depths of those window frames seems to be smaller than others 32% of the thermally broken joinery by comparing the distances between the frames and the internal and external walls. The total area of these uncertain aluminium joinery is 4.2 m sq. (8.7 % of the total area). These products are shown in the following photos:
 - a) Photo 8 – Indicating uncertain thermally broken window “Bedroom 2 W5” (Door number referred to the attached quote no. 27363) (Trim Size: 600 x 2400; Area: 1.37 m sq)
 - b) Photo 10 – Indicating uncertain thermally broken window “Master Bedroom W4” (Door number referred to the attached quote no. 27363) (Trim Size: 600 x 2400; Area: 1.37 m sq)
 - c) Photo 11 – Indicating uncertain thermally broken window “Master Bedroom W3” (Door number referred to the attached quote no. 27363) (Trim Size: 1000 x 1500; Area: 1.5 m sq)

Please do not hesitate to let us know if you disagree with any contents of this email or have any problems, concerns, questions, or objections. Thank you for your attention.

Nga mihi,
Kind regards,
Harry



Photo 1 – Indicating the non-thermally broken parts of the Sliding Door “Lounge D6” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 2700; Area: 5.751 m sq.)

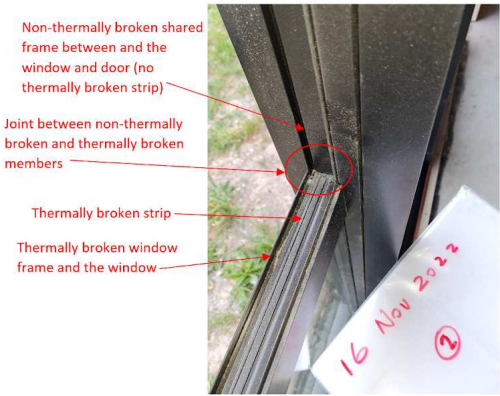


Photo 2 – Typical joint between the vertical frame of the sliding door and the horizontal frame of the window shows that the shared frame between the door and the window do not have the thermally broken strip.



Photo 3 – Typical slide door frame shows that the slide door does not have thermally broken

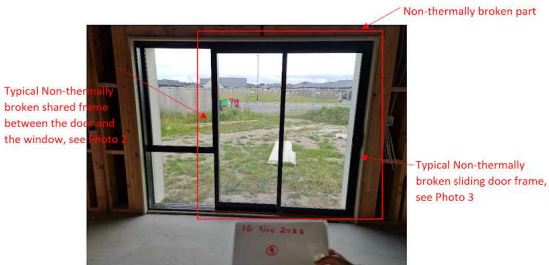


Photo 4 – Indicating the non-thermally broken parts of the Sliding Door “Living D6” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 2700; Area: 5.751 m sq.)



Photo 5 – Indicating the non-thermally broken parts of the Sliding Door “Dining D6” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 2700; Area: 5.751 m sq.)



Photo 6 – Indicating the non-thermally broken parts of the Sliding Door “Bedroom 3 D5” (Door



Photo 7 – Indicating the non-thermally broken parts of the Sliding Door “Bedroom 2 D4” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)



Photo 9 – Indicating the non-thermally broken parts of the Sliding Door “Master Bedroom D3” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)



Photo 12 – Indicating the non-thermally broken parts of the Sliding Door “Bedroom 4 D4” (Door number referred to the attached quote no. 27363) (Trim Size: 2130 x 1800; Area: 3.834 m sq.)



Photo 8 – Indicating uncertain thermally broken window “Bedroom 2 W5” (Door number referred to the attached quote no. 27363) (Trim Size: 600 x 2400; Area: 1.37 m sq.)



Photo 10 – Indicating uncertain thermally broken window “Master Bedroom W4” (Door number referred to the attached quote no. 27363) (Trim Size: 600 x 2400; Area: 1.37 m sq.)



Photo 11 – Indicating uncertain thermally broken window “Master Bedroom W3” (Door number referred to the attached quote no. 27363) (Trim Size: 1000 x 1500; Area: 1.5 m sq.)

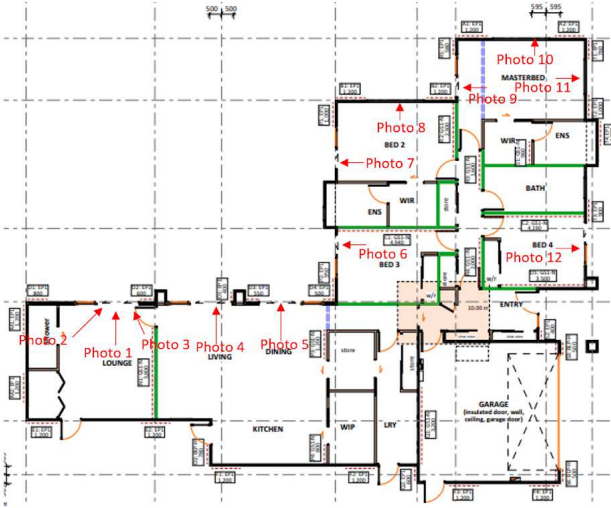


Figure 1 - Photo location plan

On Thu, Nov 17, 2022 at 4:05 PM Ricky Wong <jsrconstruction.nz@gmail.com> wrote:

Hi Harry & Jessica

Here is the propose solutions to your thermal broken by Hagley

"Thank you for sending this through.

I have spoken to our manager regarding the homeowners concerns with the Sliding Door Stiles being non-thermally Broken.

We have three options here:

1. We are prepared to change the six Sliding Door Stiles on site to the Thermally Broken Stiles but the homeowner needs to be aware of the potential for Thermal Bowing especially being a dark powder-coat colour and therefore does not carry a warranty.
2. Credit back the difference in cost between the standard Aluminium Stiles and the Thermally Broken Stiles which works out to be \$21.50 + GST per Stile. Total \$129.00 + GST
3. More than happy for yourself and the homeowner to come into our Office and discuss the options and homeowner's expectations.

Kind Regards Tom"

----- Forwarded message -----

From: **Tom Ashwin** <tom.ashwin@hagley.co.nz>

Date: Thu, Nov 17, 2022 at 3:42 PM

Subject: RE: Building Dispute MB # 050417 - JSR Construction: Job No.27363

To: Ricky Wong <jsrconstruction.nz@gmail.com>

Cc: Matt McLelland <matt.mcllelland@hagley.co.nz>

Hi Ricky

Thank you for sending this through.

I have spoken to our manager regarding the homeowners concerns with the Sliding Door Stiles being non-thermally Broken.

We have three options here:

1. We are prepared to change the six Sliding Door Stiles on site to the Thermally Broken Stiles but the homeowner needs to be aware of the potential for Thermal Bowing especially being a dark powder-coat colour and therefore does not carry a warranty.
2. Credit back the difference in cost between the standard Aluminium Stiles and the Thermally Broken Stiles which works out to be \$21.50 + GST per Stile. Total \$129.00 + GST
3. More than happy for yourself and the homeowner to come into our Office and discuss the options and homeowner's expectations.

Kind Regards Tom

Tom Ashwin
Project Manager
Hagley Windows & Doors

03 33 88 235
0274 800 208
tom.ashwin@hagley.co.nz
www.hagley.co.nz 

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From: Ricky Wong <jsrconstruction.nz@gmail.com>

Sent: Thursday, 17 November 2022 12:33 PM

To: Tom Ashwin <tom.ashwin@hagley.co.nz>

Subject: Fwd: Building Dispute MB # 050417

----- Forwarded message -----

From: **Build-disputes** <Build-disputes@fairwayresolution.com>

Date: Thu, 17 Nov 2022, 09:41

Subject: Building Dispute MB # 050417

To: jsrconstruction.nz@gmail.com <jsrconstruction.nz@gmail.com>

Tēnā koe

We have received a submission to access our early dispute resolution service from the homeowner at 2 Rapere Street, Rolleston regarding some aluminum windows and doors. Please complete the registration form on the following link:

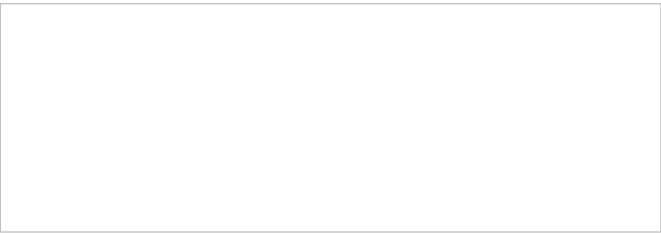
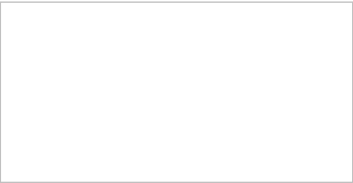
[Register online for early resolution | Fair Way \(fairwayresolution.com\)](#)

More information about our service can also be found here:
www.fairwayresolution.com/MB

If you have any questions please do not hesitate to contact me.

Ngā mihi

Edward Palmer
Resolution Coordinator - Customer Experience Team
T 0800 77 44 02
E build disputes@fairwayresolution.com
PO Box 2272, Wellington 6140
fairwayresolution.com/mb ☐ ☐ ☐



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--
Project Manager
Ricky Wong
JSR CONSTRUCTION LTD
0221018468



On Wed, Nov 16, 2022 at 8:58 AM Ricky Wong <jsrconstruction.nz@gmail.com> wrote:

----- Forwarded message -----
From: **Tom Ashwin** <tom.ashwin@hagley.co.nz>
Date: Wed, 16 Nov 2022, 08:52
Subject: RE: Thermal broken 2 rapare st. Job No.27363 - JSR Construction.
To: Ricky Wong <jsrconstruction.nz@gmail.com>
Cc: Matt McLelland <matt.mclelland@hagley.co.nz>

Hi Ricky

As I have explained in previous emails (Attached), only the sliding door stiles are not thermally broken due to the thermal bowing issue in particular with dark coloured joinery which is a very small percentage of the overall windows and doors.

I'm not sure where you got more than half from?

Regards Tom

Tom Ashwin
Project Manager
Hagley Windows & Doors

03 33 88 235
0274 800 208
tom.ashwin@hagley.co.nz

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From: Ricky Wong <jsrconstruction.nz@gmail.com>
Sent: Tuesday, 15 November 2022 8:47 PM
To: Tom Ashwin <tom.ashwin@hagley.co.nz>
Subject: Thermal broken 2 rapare st

Tom, this job our contract is to supply thermal broken windows and doors and you had charge extra for that, now more then half don't have rhermal broken, is that means you have credits.

----- Forwarded message -----

From: Tom Ashwin <tom.ashwin@hagley.co.nz>
To: Ricky Wong <jsrconstruction.nz@gmail.com>
Cc: Matt McLelland <matt.mclelland@hagley.co.nz>
Bcc:
Date: Tue, 1 Nov 2022 19:06:11 +0000
Subject: RE: 2 rapere st

Hi Ricky

The doors are thermally Broken except the door stile which is a very small percentage of the overall door as I put in the email.

This is a finding from the Aluminium Extrusion supplier APL and a national decision to supply non-thermally broken lock stiles to avoid any thermal bowing issues to the locking and security of the doors in particular with the darker colours.

I've attached the previous email which explains all.

Regards Tom

From: Ricky Wong <jsrconstruction.nz@gmail.com>
Sent: Wednesday, 2 November 2022 7:33 AM
To: Tom Ashwin <tom.ashwin@hagley.co.nz>
Subject: 2 rapere st

Tom,

Good morning, with your company new findings is that means our jobs will get credits for door that is not thermal broken ?

----- Forwarded message -----

From: Tom Ashwin <tom.ashwin@hagley.co.nz>
To: Harry Lo <harrykhlo@gmail.com>
Cc: "jsrconstruction.nz@gmail.com" <jsrconstruction.nz@gmail.com>
Bcc:
Date: Mon, 31 Oct 2022 01:01:48 +0000
Subject: JSR Construction Job No.27363: 2 Rapare Street, Rolleston.

Hi Harry & Ricky

I have made a few enquiries regarding the Thermal Break in the Sliding Door Stiles and have discovered that APL which is our Aluminium Supplier have had some issues over the past couple of years with the Thermally Broken Sliding Door Stiles bowing in direct sunlight during the summer months in particular with the darker colours and when the sun is at it hottest in the middle of the day. The bowing causes the Door Stile to not line up with the Frame and Striker Plate making the door difficult to opening and close during the day but comes back in line in the evening.

A decision was made by APL to supply non-Thermally Broken Sliding Door Stiles for this reason where a dark colour has been requested. APL have carried out some rigorous testing in relation to the efficiency of the Door Stiles being non-Thermally Broken and the loss in the Thermal Rating is only one – two percent over the entire Frame. With the Non-Thermally Broken Door Stiles the product still meets the minimum R rating and does not affect the performance of the Door.

Kind Regards Tom

From: Harry Lo <harrykhlo@gmail.com>
Sent: Monday, 31 October 2022 12:48 PM
To: Ricky Wong <jsrconstruction.nz@gmail.com>
Cc: Tom Ashwin <tom.ashwin@hagley.co.nz>; Sze Ping Jessica Lo <jlee2609@yahoo.com.hk>
Subject: Fwd: 2 rapare street

Hi Ricky,

The photos of white aluminium frames you sent Tom were not for our house.

On the photos of the black aluminium frames, the layer marked thermal broken is a strip of aluminium but not the thermal broken layer.

Please have a further investigation.

Thanks.

Harry

On Mon, 31 Oct 2022, 11:00 Ricky Wong, <jsrconstruction.nz@gmail.com> wrote:

----- Forwarded message -----

From: **Tom Ashwin** <tom.ashwin@hagley.co.nz>
Date: Mon, 31 Oct 2022, 10:12
Subject: RE: 2 rapare street
To: Ricky Wong <jsrconstruction.nz@gmail.com>

Hi Ricky

I can see the thermal break in both those photos so no need to go to site.

Cheers Tom



Tom Ashwin 03 33 88 235

Project Manager 0274 800 208

Hagley Windows & Doors tom.ashwin@hagley.co.nz

www.hagley.co.nz

Waterloo Business Park

926 Halswell Junction Road

Christchurch 8042

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From: Ricky Wong <jsrconstruction.nz@gmail.com>
Sent: Monday, 31 October 2022 9:56 AM
To: Tom Ashwin <tom.ashwin@hagley.co.nz>
Subject: Re: 2 rapare street

I had covid , you can get in lockbox and gate 1988

On Mon, 31 Oct 2022, 08:18 Tom Ashwin, <tom.ashwin@hagley.co.nz> wrote:

What time will you be on site?

Tom Ashwin 03 33 88 235

Project Manager 0274 800 208

Hagley Windows & Doors tom.ashwin@hagley.co.nz

www.hagley.co.nz

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926 Halswell Junction Road

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From: Ricky Wong <jsrconstruction.nz@gmail.com>
Sent: Monday, 31 October 2022 8:14 AM
To: Tom Ashwin <tom.ashwin@hagley.co.nz>
Subject: Re: 2 rapare street

Papers yes, but what onsite is different stories, please come to have a look

On Mon, 31 Oct 2022, 08:01 Tom Ashwin, <tom.ashwin@hagley.co.nz> wrote:

Hi Ricky

I have just checked our paperwork here and all items are thermally broken as requested.

The client didn't want Argon Gas to the Double Glazed Units so this was not provided.

Tom Ashwin 03 33 88 235

Project Manager 0274 800 208

Hagley Windows & Doors tom.ashwin@hagley.co.nz

www.hagley.co.nz

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From: Ricky Wong <jsrconstruction.nz@gmail.com>
Sent: Sunday, 30 October 2022 5:07 PM
To: Tom Ashwin <tom.ashwin@hagley.co.nz>
Subject: 2 rapare street

Hi Tom go see why some doors are not thermal broken