

The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA	
Position Paper 01.2021 Revised Roof Leaks and Structural Defects	
Subject	<p>Roof leaks and structural defects.</p> <p>Reporting roof leaks in the context of a Structural Defect to a property and reported on within the scope of a pre purchase building inspection AS 4349.1 - 2007 and/or a special purpose building inspection AS 4349.0 – 2007</p>
Association Position	<p>A roof leak is not a Structural Defect in isolation. A roof Leak may be reported as a Major Defect/ Maintenance/Safety Item. The consequential damage caused by a roof leak to a Structural element may result in a Structural Defect in the future. The consequential damage caused by a roof leak may have caused a Major Structural Defect e.g. Wood Decay Fungi and/or Significant Steel deterioration i.e. corrosion, but the roof leak itself is not a Major Structural Defect.</p>
Date Preparation Commenced	Feb 2021
Date Provisional Approval by Committee for Release to Members for Comment	Feb 2021
Final Approval by Committee and Release to Members	Feb 2021
Why was the Paper Released	<p>Some building inspectors are reporting on roof leaks as Major Structural Defects.</p> <p>Under the REIWA Structural Building Annexure, reporting a roof leak in isolation declared as a Major Structural Defect would make the seller responsible for rectifying the roof leak.</p> <p>Some clients (buyers) are asking (putting pressure on) building inspectors to change their reporting of this defect in the category Major Structural Defect in an attempt to have the seller rectify the non-structural defect under the terms of the REIWA Annexure.</p>
Key References	<p>AS 4349.0 – 2007 Inspection of Buildings Part 0: General Requirements.</p> <p>AS 4349.1 -2007 Inspection of Buildings Part 1: Pre-Purchase inspections – Residential buildings</p> <p>REIWA Australian Standard Pre-Purchase Inspection for Major Structural Defects.</p>

Key Definitions	
AS 4349.0	<p>Major defect – A defect of sufficient magnitude where rectification has to be carried out in order to avoid unsafe conditions, loss of utility or further deterioration of the property.</p> <p>Significant item – An item that is to be reported in accordance with the scope of the inspection, which may be a feature that is present or a feature that is absent.</p>
AS 4349.1	<p>Major defect – A defect of sufficient magnitude where rectification has to be carried out in order to avoid unsafe conditions, loss of utility or further deterioration of the property.</p> <p>Significant item – An item that is to be reported in accordance with the scope of the inspection.</p> <p>Structural defect - Fault or deviation from the intended structural performance of a building element.</p> <p>Structural element - Physically distinguishable part of a structure. Note: e.g. wall, columns, beam, connection.</p> <p>Appendix A – Pre-purchase Structural Inspection.</p> <p>A1 General Where a pre purchase inspection is limited to assessment of the structure of the property the requirements of this appendix shall apply in preference to the relevant requirements of sections 2, 3 and 4. Where no requirements are stated in the appendix the relevant requirements of sections 2, 3 and 4 shall apply.</p> <p>A3 Scope of Inspection The inspection shall comprise visual assessment of accessible areas of the property to identify major defects to the building structure in to form an opinion regarding the general condition of the structure of the property note the structural report should not contain any assessment or an opinion regarding the following:</p> <p>(e) serviceability damp defects such as condensation, rising damp, lateral damp, falling damp should only be assessed and reported on where structural damage has occurred is occurring, or may occur. (e.g. fungal rot) significant spalling of masonry or concrete structural elements significant fretting of motor rusting of primary structural elements storm water drainage and surface water defects commonly cause or exacerbate foundation instability and these issues should be assessed and reported on where relevant</p>

REIWA	<p>Note: This annexure only applies to, and is limited to major structural defects pursuant to appendix A of the standard and not other defects, maintenance or other safety issues.</p> <p>“Major structural defects “means a fault or deviation from the intended structural performance of a building element and is a major defect to the building structure of sufficient magnitude where rectification has to be carried out in order to avoid unsafe conditions, loss of utility or further deterioration of the building structure. Major structural defects does not include any non-structural element e.g. roof plumbing, roof covering, general gas, water and sanitary plumbing, electrical wiring, partition walls, cabinetry, windows, doors, trims, fencing, minor structures non-structural damp issues, ceiling, linings, floor coverings, decorative finishes, such as plaster, painting, tiling etc general maintenance or spalling of masonry, fretting of mortar or rusting of primary structural elements.</p>
Key Issues for Consideration	<p>A Pre-purchase building inspection must be done in accordance with the requirements of Appendix A (Normative) and/or B (Informative) and/or C (Informative) and/or D (Informative) and Appendix F (Informative).</p> <p>The REIWA Annexure is limited to the requirement of Appendix A. i.e. the Structural Elements.</p> <p>A roof leak should be reported as a Major Defect if continued water ingress may lead to unsafe conditions, loss of utility or further deterioration of the property.</p> <p>A roof leak is causing water damage to ceiling insulation and/or ceiling lining is not considered a Structural Defect.</p> <p>Ceiling insulation and ceiling lining are both non-structural elements and therefore the damage caused is not considered to be a Structural Defect.</p> <p>If a structural element e.g. rafter, metal roof batten, ceiling joist has been damaged by water ingress, and where the damage has reduced the intended structural performance of the structural building element, then the damage to the structural element should be reported as a Structural Defect and also the roof leak should be reported as a Major Defect.</p> <p>A special purpose reported in accordance with AS 4349.0 may record a roof leak as a Major Defect.</p> <p>The widely used REIWA Australian Standard Pre-Purchase Inspection for Major Structural Defects annexure dated 10/19 will not cover a Buyer for roof</p>

	<p>leaks i.e. specially excludes both roof plumbing and roof covering.</p> <p>A Buyer wishing to have Roof leaks and Major Defects to the Roof Exterior including Roof Cover, Flashings, Penetrations, Skylights, Vents, Gutters and Downpipes repaired and or compensated for by the seller should include a "Special Condition" with their offer.</p>
Disclaimer	<p>This document is not intended to be Legal Advice. The document is only intended for Members of. The Industry Association of Building and Property Inspectors in WA. Where appropriate, readers of the document should seek their own independently legal advice</p>

Signed Chairman

The Industry Association of Building and Property Inspectors in WA – Inspect WA

February 2021

Public Release – Position Paper 01.2021 February 2021

The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA is pleased to announce the release of its Position Paper on Roof Leaks and Structural Defects.

Background

There were four key issues that contributed to the release of this Position Paper:

1. Buyers should be aware, Roof leaks and Major defects to the Roof Exterior and associated items are specifically excluded from the REIWA Australian Standard Pre-Purchase Inspection for Major Structural Defects annexure. i.e. not contractually obligating on the seller to remedy.
2. Some building inspectors are reporting on roof leaks as Major Structural Defects.
3. Under the REIWA Structural Building Annexure, reporting a roof leak in isolation as a Major Structural Defect would make the seller responsible for rectifying the roof leak.
4. Some clients (buyers) are asking (putting pressure on) building inspectors to change their report defect category to Major Structural Defect to have the seller rectify the non-structural defect under the terms of the REIWA Annexure.

The Associations position is:

1. A roof leak is not a Structural Defect in isolation.
2. A roof Leak may be reported as a Major Defect/Maintenance Item.
3. The consequential damage caused by a roof leak to a Structural element may result in a Structural Defect in the future.
4. The consequential damage caused by a roof leak may have caused a Major Structural Defect E.g. Wood Decay Fungi and/or Significant Steel deterioration i.e. Rust, but the roof leak itself is not a Major Structural Defect.

The Association recommends that Building Inspector Members do not report on a roof leak as a Major Structural Defect in isolation but report roof leaks as a Major Defects and/or Maintenance Items.

If the consequential damage caused by a roof leak to a Structural element has resulted in a Structural Defect, report the damage to the Structural Element(s) as a Major Structural Defect(s) e.g. Wood Decay Fungi and/or Significant Steel deterioration i.e. corrosion of a structural steel member, but the roof leak itself is not a Major Structural Defect.

Important note in regard the widely used REIWA Pre Purchase Building Inspection Annexure

In Western Australia, the widely used “REIWA Australian Standard Pre-Purchase Inspection for Major Structural Defects Annexure dated 10/19” will not cover a Buyer for the issue described in this position paper.

The REIWA Annexure specially excludes non-structural items including Roofing and Roof Plumbing.

A Buyer wishing to have the issue described in this position paper:

- 1) repaired by the seller and or
- 2) compensated for by the seller and or
- 3) provide the basis for Contract Termination

should include a "Special Condition" with their Offer to Purchase Contract or alternatively, undertake a pre offer building inspection such that their "Offer to Purchase" can reflect the costs of remediation of the item described.

Committee
Inspect WA
February 2021