

Defective work dispute guide

General information to help you organise your paperwork. Not legal advice.

Start here

Use this kit when a client says your work is defective or incomplete and wants it fixed, wants money back or refuses to pay.

Do these three things today

1. Deal with any hazard first: water entry, exposed wiring or anything unstable. Make it safe and record what you did.
2. Acknowledge the complaint in writing and propose an inspection. Do not admit or deny fault before you have looked.
3. Tell your insurance broker if there may be damage to property or people. Policies usually require prompt notice; check yours.

Keep what the client says separate from what you measure. An allegation becomes a finding only after inspection.

What is in this kit

Document	Use it to
Defective work dispute guide	Start here: respond to a deficiency complaint without admitting or denying fault.
Deficiency complaint intake form	Record the complaint exactly as received, item by item.
Construction deficiency inspection checklist	Inspect safely and record observations before conclusions.
Deficiency and Repair Tracker	Track each deficiency from report to verified repair.
Photo and Evidence Register	Index photos and evidence with dates, locations and originals.
Contract scope and quality review	Compare the complaint with what the contract and drawings required.
Deficiency response letter	Reply to the client in writing with facts and next steps.
Repair and remediation plan	Plan agreed repairs: method, who pays, inspections and sign-off.
Insurance notification checklist	Prepare a clear notice to your broker or insurer.
Defective work dispute evidence pack	One indexed file of the dispute, including evidence against you.
Official sources by province and territory	Official consumer, warranty and court sources by province.

Receive the complaint without deciding fault

Use this kit to turn a deficiency allegation into a documented inspection and response. A report of cracking, leakage or poor finish is a starting point for investigation. Record the client's words separately from measurements, professional opinions and the eventual decision about responsibility.

- ☐ Assign a complaint ID and preserve the original message and attachments.
- ☐ Identify the location, first observation date, affected work and requested remedy.
- ☐ Ask about active water entry, exposed electricity, instability or other immediate hazards. Use qualified emergency assistance where needed; do not enter an unsafe area.
- ☐ Record temporary protective measures and who authorized them. Preserve evidence before alteration when safe.
- ☐ Acknowledge receipt and offer inspection arrangements without promising coverage, accepting liability or dismissing the complaint.

Choose the next step

Situation	Operational response
Immediate hazard or ongoing damage	Arrange qualified response and document conditions and protective work.
No urgent hazard and access available	Agree an inspection scope, date and attendees.
Access refused or cause uncertain	Record the limitation and propose another assessment method.

Inspect against a specific requirement

Get the signed contract, drawings and revisions, selected products, installation instructions, inspection records and prior change approvals. Identify the applicable code edition with the local authority or qualified reviewer; an online national model code is not enough to establish the applicable rule.

- ☐ Use separate IDs for separate locations or conditions.
- ☐ Record what was visible, the inspection method, instrument and units, and any inaccessible or concealed area.
- ☐ Link each finding to photographs and the exact contract or technical requirement being compared.
- ☐ Record alternative explanations without presenting them as established causes.
- ☐ Obtain a qualified specialist assessment where structural, electrical, moisture or design issues exceed your competence.

Fictional example

A client reports a 2 mm gap at a trim joint. The inspector records the location, measurement, instrument and temperature, and retrieves the approved detail. The gap is an observed condition; whether it breaches a requirement, what caused it and who must pay remain separate questions.

Respond and control remediation

Send a factual response that identifies confirmed observations, unresolved points and the next action. Separate agreed remedial work, investigation, client-requested upgrades and disputed scope. A cooperative repair proposal does not itself establish who bears the cost.

- ☐ Use the scope review and response template; retain a sent copy and delivery evidence.
- ☐ Check notification requirements with the broker, insurer or warranty provider using the actual policy. A workmanship complaint is not automatically insured.
- ☐ Agree access, protection, materials, acceptance criteria, responsible people and inspection hold points before routine remediation.
- ☐ Retain removed material or representative samples where appropriate and safe; document custody and any disposal authorization.
- ☐ After work, record completion evidence, tests and client comments. Do not mark verified closed merely because a crew left the site.

Investigation owner and next update date: _____

Unresolved responsibility or coverage questions: _____

Professional reviewer and confirmed notice requirements: _____

This kit does not decide liability, warranty entitlement, insurance coverage or a filing deadline.

Before you act: this document is general information prepared by ArtBuild to help you organise facts and paperwork. It is not legal advice and has not been reviewed by a lawyer for your situation. Rules differ by province and territory and change over time. Check the official source for your project, and for deadlines, liens, court or insolvency steps, speak with a lawyer licensed where the project is located.