



CTP Pest and Building Inspections
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Pre-Purchase Inspection - Residential Building Report

Complies with Australian Standard AS 4349.1- 2007 Inspection of Buildings Part 1: Pre-Purchase inspections - Residential buildings



392 Brunner Road Adamstown Heights (Eastern Elevation)

PURPOSE OF INSPECTION

The purpose of the inspection is to identify the major defects and safety hazards associated with the property at the time of the inspection. The inspection and reporting is limited to AS4349.1-2007.

The overall condition of this building has been compared to similarly constructed & reasonably maintained buildings of approximately the same age.

If it is more than 60 days from the inspection date, we recommend a new inspection and report. If the property is being auctioned refer to the Disclaimer of Liability to Third Parties in this report.

Property Inspected

Property Inspected Details:

392 Brunner Road
Adamstown Heights NSW

Contact Details

Inspection Requested By:	Altitude Real Estate 392 Brunner Road Adamstown Heights NSW
Inspection Requested For:	Same as Inspection Requested By
Cost Billed To:	Same as Inspection Requested By
Contact For Access:	Same as Inspection Requested By

Inspection Details

Inspection Date/Time:	06/10/2021 7:00 AM
Persons in attendance:	Owner
Other relevant comments:	I recommend that a further inspection is undertaken gaining full unobstructed access into all restricted and non-accessible areas as these areas could be concealing defects and/or damage. (No hot water at time of inspection)
Weather conditions at time of inspection:	Sunny

Agreement Details

Agreement Number:	132
Date of Agreement:	06/10/2021 7:06 AM
Specific requirements and or conditions required:	

Should you have any difficulty in understanding anything contained within this report then you should immediately contact the inspector and have the matter explained to you prior to acting on this report.

Inspector Details

Name Of Inspection Firm:	CTP Pest and Building Inspections
Contact Phone:	0402 679 087
Inspector Name:	Craig Pearce
Report Prepared Date:	06/10/2021

Summary of Defects

Major Structural Defects identified to the Residential Building on day of inspection

There are no Major Structural Defects.

Major Structural Defects identified beyond the Residential Building	Yes, refer to Defects documented in body of report
Incidence of Major Defects	Typical
Incidence of Minor Defects	Low
Overall Condition (refer to definitions)	Above Average

STRUCTURES INSPECTED

For the purpose of reporting on the property the property will be defined by compass readings e.g. North face.

1.1 Main house and shed

Structure type:	Double Storey
Orientation:	East
Areas Inspected:	Bathroom 1, Bathroom 2, Bedroom 1, Bedroom 2, Bedroom 3, Bedroom 4, Bedroom 5, Decking, Dining Room, Driveway, Ensuite 1, Entry, External Structure - Shed, Family Room, Roof Exterior, Fences and Gates, Hallway, Kitchen, Laundry, Lounge Room, Paths, Patio, Roof Void, Steps, Stairs, Subfloor, Toilet 1, Walls Exterior
Is the building furnished?:	Yes Where a property is furnished at the time of inspection the furnishings and stored goods may be concealing issues and defects present in the property. These issues and defects may only be revealed when the property is vacated. A further inspection is strongly recommended in this case.
Construction type:	Brick veneer-rendered, Full Brick, Timber frame-weatherboard
Pier type:	Masonry, On concrete slab Suspended slab, infill slab
Flooring type:	Concrete Slab, Tongue and Groove Strip
Patio:	Location: North
Decks:	Location: East, West
Roof Structure/s:	Pitched timber, Skillion
Roof covering/s:	Metal
Pool present:	No
Are Smoke Detectors Installed:	Yes Number of smoke detectors: 3 Location of smoke detectors: Hallways Recommendation: All smoke detectors should be tested for serviceability and compliance.

AREAS WITHOUT ISSUE ON THE DAY OF INSPECTION

In relation to the Inspection Agreement, the overall condition of the following areas are consistent with buildings of approximately the same age and construction.

Bathroom 2
Bedroom 3
Bedroom 4
Bedroom 5
Driveway
Roof Exterior
Hallway
Laundry
Roof Void
Toilet 1

Access Issue 1. - Subfloor

Access Issue Type:

Restricted Access

Reason(s) Why:

Restricted height

Access Issue 2. - Roof Void

Access Issue Type:

Restricted Access

Reason(s) Why:

Foil Insulation, Insulation Old hot water system

Defect 1. - Roof Exterior

Defect Location:	East Side
Defect Summary:	Downpipes
Type of Defect:	Installation
Description:	Connection to stormwater drainage is damaged/inadequate
Ongoing Consequence:	Damage to surrounding elements
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Plumber



Defect 2. - Subfloor

Defect Location:	Not Applicable
Defect Summary:	Ant Shielding
Type of Defect:	Material deterioration
Description:	Inadequate Rusted
Ongoing Consequence:	Increase risk of undetected termite entry
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder

Defect 3. - Subfloor

Defect Location:	Not Applicable
Defect Summary:	Ventilation (Subfloor)
Type of Defect:	Operational
Description:	The drainage appears to be inadequate
Ongoing Consequence:	Damage to surrounding elements
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Plumber



Defect 4. - Subfloor

Defect Location:	Not Applicable
Defect Summary:	Piers and Foundation Walls
Type of Defect:	Distortion, warping, twisting
Description:	Piers appear to have settled
Ongoing Consequence:	Possible further settlement piers (typical for age)
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder



Eastern area

Defect 5. - Exterior

Defect Location:

South Side

Defect Summary:

Vent

Type of Defect:

Damage

Description:

Damaged vent

Ongoing Consequence:

Possible water ingress

Opinion of Cracking:

Not Applicable

Building Professional:

Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.

Building Professional Required: Builder



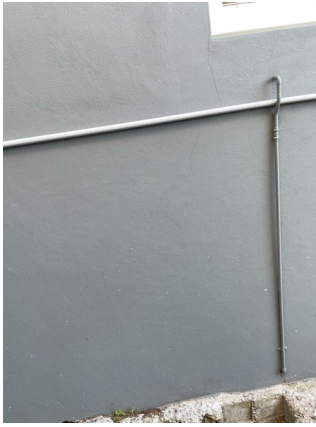
Defect 6. - Exterior

Defect Location:	South Side
Defect Summary:	Water supply
Type of Defect:	Water penetration, dampness, Material deterioration
Description:	Corrosion and minor leaking
Ongoing Consequence:	Further leaking
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Plumber



Defect 7. - Exterior

Defect Location:	South Side
Defect Summary:	Walls - Brick
Type of Defect:	Distortion, warping, twisting
Description:	There is drummy render
Ongoing Consequence:	Possible further cracking
Opinion of Cracking:	Appearance cracking
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder



Defect 8. - Exterior

Defect Location:	South Side, East Side
Defect Summary:	Walls - Brick
Type of Defect:	Distortion, warping, twisting
Description:	There is vertical cracking
Ongoing Consequence:	Possible further cracking
Opinion of Cracking:	Appearance cracking
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Defect 9. - Exterior

Defect Location:	South Side
Defect Summary:	Walls - Timber Frame
Type of Defect:	Installation
Description:	Inadequate seal cladding
Ongoing Consequence:	Serviceability of surrounding elements negatively affected
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Defect 10. - Exterior

Defect Location:	East Side
Defect Summary:	Hot water system
Type of Defect:	Material deterioration
Description:	10 years life expectancy installed outdoors
Ongoing Consequence:	Anticipate future replacement
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Plumber



Manufactured 2005

Defect 11. - Interior

Defect Location:	Entry
Defect Summary:	Door strike plate
Type of Defect:	Operational
Description:	Strike plate needs adjusting
Ongoing Consequence:	Difficult operation
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder

Defect 12. - Interior

Defect Location:	Lounge Room
Defect Summary:	Window
Type of Defect:	Damage, Material deterioration
Description:	Cracked glass and window sash chord damaged
Ongoing Consequence:	Door doesn't function as expected
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder, Glazier



Defect 13. - Interior

Defect Location:	Dining Room
Defect Summary:	Window
Type of Defect:	Damage, Operational
Description:	Missing window lock and damaged sash chord
Ongoing Consequence:	Difficult operation
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder, Glazier

Defect 14. - Interior

Defect Location:	Kitchen
Defect Summary:	Sink
Type of Defect:	Operational
Description:	Water hammer
Ongoing Consequence:	Possible damage to plumbing
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Plumber

Defect 15. - Interior

Defect Location:	Family Room
Defect Summary:	Window,
Type of Defect:	Damage, Operational
Description:	Cracked glass, missing lock and window needs easing
Ongoing Consequence:	Doesn't function as expected
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder, Glazier



Defect 16. - Interior

Defect Location:	Stairs
Defect Summary:	Risers
Type of Defect:	Safety hazard
Description:	Riser height more than 190mm
Ongoing Consequence:	Personal injury
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder

Defect 17. - Interior

Defect Location:	Bathroom 1
Defect Summary:	Bath and vanity
Type of Defect:	Material deterioration, Installation
Description:	Loose waste bath tub and moisture damage vanity
Ongoing Consequence:	Maintenance recommended
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder, Plumber



Defect 18. - Interior

Defect Location:	Ensuite 1
Defect Summary:	Shower floor,
Type of Defect:	Distortion, warping, twisting, Installation
Description:	Cracking shower floor tray and inadequate bedding under tray
Ongoing Consequence:	Possible further cracking and damage to surrounding elements
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder



Defect 19. - Interior

Defect Location:	Bedroom 1 master and bedroom 2 middle
Defect Summary:	Window sash chord
Type of Defect:	Damage
Description:	Missing and damaged
Ongoing Consequence:	Difficult operation
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder

Site Defect 1. - Patio

Type of Defect:	Distortion, warping, twisting
Direction (North being front of Structure):	North
Description:	Drummy tiles
Ongoing Consequence:	Tiles may crack and come loose
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Site Defect 2. - Fencing (general)

Type of Defect:	Material deterioration
Direction (North being front of Structure):	North
Description:	Decay fence
Ongoing Consequence:	Further decay
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Site Defect 3. - Sheds

Type of Defect:	Material deterioration
Direction (North being front of Structure):	West
Description:	Rusted roof coverings
Ongoing Consequence:	Further corrosion
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Site Defect 4. - Decks

Type of Defect:	Distortion, warping, twisting
Direction (North being front of Structure):	North, East
Description:	Serviceability cracking slab and cracked glazing door
Ongoing Consequence:	Possible further cracking slab and glazing
Opinion of Cracking:	Serviceability cracking
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder, Glazier



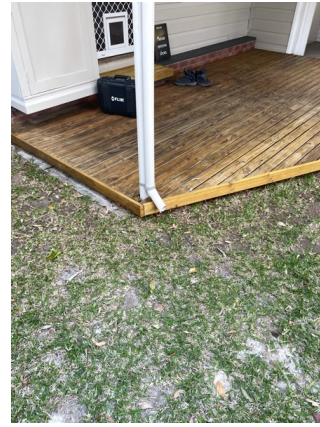
Site Defect 5. - Decks

Type of Defect:	Operational, Installation
Direction (North being front of Structure):	East
Description:	UPPER LEVEL- ensure adequate waterproofing around service
Ongoing Consequence:	Possible water ingress
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder



Site Defect 6. - Decks

Type of Defect:	Distortion, warping, twisting, Operational, Installation
Direction (North being front of Structure):	West
Description:	Tree overhang roof line, bogged rafter, deflection end of deck, impact damage roof coverings, downpipe not connected to stormwater
Ongoing Consequence:	Damage to surrounding elements
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required. Building Professional Required: Builder, Plumber



Site Defect 7. - Steps

Type of Defect:	Distortion, warping, twisting, Safety hazard
Direction (North being front of Structure):	North, East
Description:	Risers appear to be uneven Cracking steps, riser height more than 190mm
Ongoing Consequence:	Personal injury Possible further cracking
Opinion of Cracking:	Serviceability cracking
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Site Defect 8. - Paths and Driveways

Type of Defect:	The path is beginning to break up
Direction (North being front of Structure):	North, East
Description:	Distortion, warping, twisting
Ongoing Consequence:	The path may become unserviceable
Opinion of Cracking:	Not Applicable
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder



Site Defect 9. - Retaining Walls

Type of Defect:	Distortion, warping, twisting, Structural
Direction (North being front of Structure):	East
Description:	Cracking, Wall appears to be out of align and losing serviceability
Ongoing Consequence:	Possible loss of serviceability, Possible collapse
Opinion of Cracking:	Structural cracking
Building Professional:	Note: This defect should be referred to a qualified building professional for the repairs/scope of work required.
	Building Professional Required: Builder, Engineer



CONCLUSIONS

CRACKING OF BUILDING ITEMS

Important information regarding cracking in masonry and concrete

Regardless of the type of crack(s) a Pre Purchase Building Inspector carrying out a Pre Purchase Inspection within the scope of a visual inspection is unable to determine the expected consequences of the cracks.

Obtaining Information regarding:

1. (a) The nature of the foundation material on which the building is resting
2. The design of the footings
3. (c) The site landscape
4. (d) The history of the cracks and
5. (e) Carrying out an invasive inspection

All fall outside the scope of this Pre Purchase Inspection. However the information obtained from the five items above are valuable, in determining the expected consequences of the cracking and any remedial work needed.

Cracks that are small in width and length on the day of the inspection may have the potential to develop over time into Structural Problems for the Home Owner resulting in major expensive rectification work been carried out.

If cracks have been identified in the table below, then a Structural Engineer is required to determine the significance of the cracking prior to a decision to purchase.

Cracking of Masonry and/or Concrete

Type	Area	Description	Opinion of Cracking
Exterior	South Side	There is drummy render	Appearance cracking
Exterior	South Side, East Side	There is vertical cracking	Appearance cracking
Decks	Distortion, warping, twisting		Serviceability cracking
Steps	Distortion, warping, twisting, Safety hazard	Risers appear to be uneven	Serviceability cracking
Retaining Walls	Distortion, warping, twisting, Structural	Cracking, Wall appears to be out of align and losing serviceability	Structural cracking

Definitions

Appearance Defect - Where in the inspector's opinion the appearance of the building item has deteriorated at the time of the inspection and the significance of this cracking is unknown until further information is obtained.

Serviceability Defect - Where in the inspector's opinion the performance of the building item is flawed at the time of the inspection and the expected significance of this cracking is unknown until further information is obtained.

Structural Defect - Where in the inspector's opinion the structural soundness of the building item has diminished at the time of the inspection and the expected significance of this cracking is unknown until further information is obtained.

Other Inspections and Reports Required

It is recommended that the following Inspections and/or repairs/work required is obtained from the following trades and/or professions.

Recommendations

Recommendations from the Report	<ul style="list-style-type: none">• Plumber• Builder• Engineer• Glazier
Other Inspections Recommended	Council Record Search, Asbestos, Flue/Chimney, Electrical, Plumbing I recommend that a further inspection is undertaken gaining full unobstructed access into all restricted and non-accessible areas as these areas could be concealing defects and/or damage. (No hot water at time of inspection)

Date:

06/10/2021

Signed:



CONTACT THE INSPECTOR

If you have any questions regarding the report, please feel free to contact the inspector. It can be challenging to communicate defects, their severity, and any inspection limitations in a manner the reader can comprehend. If you have any concerns or require any additional clarification you should contact the inspector immediately before acting on this report.

Type of Defects

The definitions below relate to the Type of Defect associated with the building element/item fixture or fitting.

Damage: The building element/item fixture or fitting is damaged, cracked or broken and is not fit for it's intended purpose.

Distortion, warping, twisting: The building element/item fixture or fitting has shifted from its intended position.

Water Penetration, Dampness: Water ingress and/or dampness is found in unexpected or undesirable area(s).

Material Deterioration: The building element/item fixture or fitting is deteriorating due to rusting, corrosion, rot or decay.

Operational: The building element/item fixture or fitting does not perform as expected.

Installation: The building element/item fixture or fitting has not been installed as expected, is ineffective, unsuitable and/or has absent components.

Structural Defect: Weakness or departure from the expected structural performance of a structural building element.

Acceptance Criteria

The building will be compared to a comparable building of roughly the same age that has been constructed with the commonly accepted method at the time the building was built, and which has been maintained as expected so there has been no significant loss of strength and/or serviceability.

High: The occurrence and/or extent of defects exceeds the inspector's expectations when compared to a comparable building of roughly the same age that has been maintained as expected.

Typical: The occurrence and/or extent of defects is as the inspector anticipated when compared to a

comparable building of roughly the same age that has been maintained as expected.

Low: The occurrence and/or extent of defects is lower than the inspector's expectations when compared to a comparable building of roughly the same age that has been maintained as expected.

Average: The overall condition of the building is consistent with buildings of roughly the same age. There will be some building elements that require some repair and/or maintenance.

Above Average: The overall condition of the building is above average when compared to a building roughly the same age. The building has been well maintained.

Below Average: The overall condition of the building is poor when compared with buildings of roughly the same age. There are significant defects to building elements requiring renewal, repair and/or maintenance.

Definitions

Accessible Area: is any area of the site and structures permitting safe and Reasonable Access to perform the inspection.

Structural Element: Physically noticeable part of a structure. E.g., Walls, including interior, exterior, and screen, Floors, Roof and Ceiling frames, Beams and Connections.

Building Element: Section or part of a building which, by itself and/or in conjunction with other sections or parts, achieves a characteristic function. E.g., supporting, enclosing, completing or servicing a building space.

Major Defect: A defect of significant extent where remedial works must be carried out in order to prevent an unsafe environment, loss of utility or further deterioration of the property and/or building.

Minor Defect: Any other defect that is not a Major Defect. **Note:** the inspector is not required to comment on individual minor defects and imperfections.

Safety Hazard: Current or pending serious safety hazard.

Residential Building: is a building or structure within the boundaries, under the main roof (including post initial construction). Includes Verandas constructed at the same time as the main dwelling. Alfresco under main roof. Attached and/or standalone structures containing habitable rooms. Retaining walls directly associated with the foundations of the Residential Building.

This Building inspection was conducted as follows:

1. in the case of a non-strata title property to comply with AS4349.1-2007 Inspections of Buildings;
2. In the case of a Community title or strata the Inspector did not inspect Body Corporate common property and the inspection will be limited to areas within the Lot or individual unit to comply with AS 4349.1-2007.

Terms, Conditions and Limitations

1. The report is not an "all-inclusive" report that considers the property from every aspect and is subject to the agreed scope of the inspection.
2. Unless noted otherwise, inspector conducted a visual, non-invasive inspection of the building elements only to the safe and accessible areas as outlined in the scope of the agreement.
3. The inspection is a reasonable attempt to identify major defects and safety hazards at the time of inspection.
4. The report is not a Certificate of Compliance with any Building Permit, Building License, Act, Regulation, Ordinance, By-law Standard or Code.
5. The report is not a warranty against problems arising in the future. Defects reported can further deteriorate or become a safety hazard if not attended to by a qualified professional.
6. Inspection on Strata, Company and Community title type buildings are limited to the interior and immediate exterior of the unit. It is recommended that the client review all available records of the Body Corporate including Maintenance Plans.
7. This is not a Structural Engineers Report. Where defects of a structural nature are identified, a Structural Engineers report maybe required.
8. Any Estimates Provided in the report are merely an educated guess by the inspector using their knowledge and experience to estimate the possible likely costs to be incurred. The estimate is not a guarantee or quotation for work to be carried out. It is recommended that independent quotes are obtained from trade professionals. The inspector accepts no responsibility or liability for any estimates provided.
9. The minimum space required for inspection is as follows:
 - a. beneath a floor – vertical clearance not less 450mm;
 - b. exterior walls or roof and ceilings will only be inspected if it can be reached safely having regards to work and safety by use of a safe ladder which can be extended to a maximum of 3.6 metres from ground level;
 - c. roof void minimum access size must not be less than 450mm x 450mm with vertical space 600mm X 600mm for reasonable movement;

10. Not Included in the Scope of the Inspection:
- a. Common areas of Strata, Company and Community title type properties.
 - b. Timber Pest Activity.
 - c. Presence or absence of mould.
 - d. Identification of ACM (Asbestos Containing Material).
 - e. Identification of flooring containing Magnesite.
 - f. Inaccessible or partly inaccessible areas.
 - g. Areas where access was denied.
 - h. Defects that may have been concealed.
 - i. Rising damp and water ingress (leaks) that maybe subject to prevailing weather conditions.
 - j. Water ingress (leaks) that are subject to services not being used for a period of time.
 - i.e. shower recesses.
 - k. Technical assessment of electrical, gas, plumbing and mechanical installations.
 - l. Site drainage.
 - m. Swimming and Spa Pools.
 - n. Identification illegal building works.
 - o. Breaking apart and/or dismantling.
 - p. Removing or moving objects and materials included but not limited to vegetation, roof insulation, floor or wall coverings. Ceilings. Floors. Furniture. Appliances.
 - q. Removing or moving stored goods and/or personal possessions.
 - r. Impact to the buildings footings when trees are in close proximity.
 - s. Septic tanks.
11. Disclaimer of Liability: Compensation will only be payable for losses arising in contract or tort sustained by the Client named on the front of this Report. Any third party acting or relying on this Report, in whole or in part, does so entirely at their own risk. However, if ordered by a Real Estate Agent or a Seller for the purpose of auctioning, set date sale or private treaty of a property, then the Inspection Report may be ordered up to thirty (30) days prior to the auction, set date sale or listing, copies may be given out prior to the auction/sale and the Report will have a life of sixty (60) days from the date of Inspection during which time it may be transferred to the Buyer. Providing the Buyer agrees to the terms of this Agreement, then they may rely on the report, subject to the terms and conditions of this Agreement and the Report itself.
12. Complaints Procedure: If there are any claim and/or dispute arises with regards to the inspection and/or report you should inform us immediately by email. You must permit us full access to all areas of the property that relate to the claim and/or dispute. Within 28 days of receipt of your claim we respond to you in writing. In the event you are not satisfied with our response you must refer the matter to a Mediator nominated by us from the Australian Mediations Association Limited must within (21 days) from the date of our response. The parties shall bear equally the costs of the mediation. If you initiate court proceedings without observing the above Complaints Procedure and the proceedings are set aside, stayed or adjourned then you agree to be responsible for any costs and expenses incurred by us and you agree to keep us indemnified of such costs and expenses incurred by us.