



REPORT EARLY • CLASSIFY CAREFULLY • PRESERVE THE DEADLINE

BUILDING DEFECTS: 2 YEARS, 6 YEARS & THE ACTION PATH

A plain-English NSW strata guide for owners, committees and managers

WHO REPORTS IT?

LOT OWNER / RESIDENT

Reports signs inside the lot promptly to the strata manager or Owners Corporation. A lot-only building-work complaint may also be made directly.

BUILDING MANAGER / CONTRACTOR

Records observations, photographs and urgent risk information, then escalates. It does not make the legal classification.

OWNERS CORPORATION

Owens the common-property response and authorises the claim, experts, rectification strategy and dispute pathway.

STRATA MANAGER / NOMINEE

Coordinates the authorised OC response. Does not diagnose or classify defects.

THE DIFFERENCE BETWEEN THE TWO PERIODS



LOCATION IS A CLUE - EVIDENCE DECIDES

2 YEARS

ALL OTHER WARRANTY BREACHES

Often called 'minor defects', but the Act uses the broader expression 'any other case'.

POSSIBLE 2-YEAR EXAMPLES

Finishes, fittings, doors, painting or workmanship issues that do not meet the major-defect test.

6 YEARS

BREACH RESULTING IN A MAJOR DEFECT

Requires the statutory major-element and consequence / structural-performance test.

POSSIBLE 6-YEAR ELEMENTS

Structure, fire-safety systems or waterproofing - but the element alone does not automatically make the defect major.

COUNT FROM LEGAL COMPLETION OF THE WORK - NOT FROM WHEN THE COMMITTEE FIRST DISCUSSES IT

EXPERT: CAUSE + IMPACT • LAWYER: LEGAL TEST + RIGHTS • TRIBUNAL / COURT: DECIDES IF DISPUTED

A late-discovered breach in the final six months may receive a further six months to commence proceedings.

IS A LAWYER REQUIRED?

NOT AUTOMATICALLY

A lawyer is not required merely to record the defect or notify the builder / Building Commission.

GET EARLY LEGAL ADVICE WHEN

- Possible major defect identified
- Responsibility or completion date disputed
- A warranty deadline is approaching
- A deed, release or settlement is proposed

GET LEGAL REPRESENTATION WHEN

- ! Before NCAT or court proceedings
- ! For limitation, parties and claim strategy
- ! Before admissions, releases or settlement

THE COMPLETE OWNERS CORPORATION ACTION PATH

1

REPORT

Capture the sign, location, date and reporter.

2

MAKE SAFE

Control urgent safety, access and further damage.

3

CHECK TIME

Confirm completion evidence and every deadline.

4

INVESTIGATE

Use an independent, appropriately qualified expert.

5

AUTHORISE

OC decides scope, claim, funding and representative.

6

NOTIFY

Write to builder / developer and lodge the right pathway.

7

PRESERVE

Escalate before expiry; a complaint may not stop time.

8

VERIFY

Inspect the repair, retain evidence and close formally.

0-2 YEARS: BUILDING BOND WHERE APPLICABLE • 2-6 YEARS: STATUTORY WARRANTY PATH • UP TO 10 YEARS: POSSIBLE RAB ACT REGULATORY POWERS

These pathways can overlap. The Owners Corporation's common-property repair duty and urgent safety responsibilities continue.



STRATA IQ ACADEMY

Prepared by Silvestro Musumeci | Founder, STRATA IQ Academy

CONNECTED LEARNING: Defects, Statutory Warranties & Rectification

Law checked: 27 Aug 2026 | Next review: 27 Feb 2027

Educational overview only. Check current law, registered plans, by-laws, approvals and specialist advice for the actual matter.

Sources checked 28 Aug 2026: Home Building Act 1989 (NSW), ss 18B and 18E; Building Commission NSW defect-complaint and RAB Act intervention guidance; NSW strata repairs guidance. General education only - obtain technical and legal advice for the actual building.