

The effect of construction complications and National Buildings Regulations (NBR) on your Short-term Insurance

- BRIAN MARTIN (Ombudsman for Short-Term Insurance, Information from Cover August 2009)

DEFECTS IN CONSTRUCTION

The insured was the owner of a domestic residence situated in Kensington, Johannesburg. Thirty one (31) years ago the insured constructed a substantial brick wall around the property, for which the plans were approved by the local authority.

During December 2008 / January 2009 the wall started to lean over after very heavy storms. The insured filed a claim in terms of a Home Owners policy for the cost of rebuilding the wall.

Upon receiving the claim, the insurer appointed an architect and a building surveyor to give advice on the damage sustained. The architect observed that the wall was a free-standing retaining wall of 2.8 meters in height, without movement joints, weep holes or subsoil drainage systems behind the wall. The supporting columns were too far apart and it was constructed in a defective manner. The wall did not comply with the NBR SABS code 0400.

In consideration of the above-mentioned, the insurer rejected the claim. The insured however pointed out the fact that the wall was designed by an architect and approved, although there was no proof.

When the claim was referred to the Ombudsman, he requested that a structural consulting engineer is appointed. The consulting engineer furnished a report in which he held the view that the large volumes of rainfall experienced were likely to have caused a build-up of saturated soil behind the wall. Combined with the wind loads, it resulted in the subsequent lateral displacement.

The wall was found not to comply with the current building regulations, or those that were in place at the time the wall was constructed. Therefore the wall in question suffered from defects in design and construction.

After considering the view of the architect appointed by the insurer, as well as the report of the consulting engineer, the Ombudsman upheld the rejection of the claim.

The implications of the NBR are vast. The most important is that whenever one makes any structural changes to the building / outhouses / walls, one must ensure that the contractor complies with the NBR. Most of the contractors advertise that quite readily.

Should you require any information, or a quotation regarding your House Owner (Building) cover on your Iemas short-term insurance policy, please feel free to contact our call centre on 0860 102 383. Alternatively you can send an email to shortterminsurance@iemas.co.za.