

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Platinum Property Group Pty Ltd v Dilworth
Constructions Pty Ltd* [2018] QCAT 428

PARTIES: **PLATINUM PROPERTY GROUP PTY LTD**
(applicant)
v
DILWORTH CONSTRUCTIONS PTY LTD
(respondent)

APPLICATION NO/S: BDL169-16

MATTER TYPE: Building matters

DELIVERED ON: 18 December 2018

HEARING DATE: 15 September 2017

HEARD AT: Maroochydore

DECISION OF: Member Ann Fitzpatrick

ORDERS: **The Applicant Platinum Property Group Pty Ltd
must pay the Respondent Dilworth Constructions Pty
Ltd the sum of \$25.00 within 21 days of the date of
this decision.**

CATCHWORDS: CONTRACTS – BUILDING, ENGINEERING AND
RELATED CONTRACTS – OTHER MATTERS –
building dispute – principal and subcontractor – defective
work – offset cost of rectification and moneys owed
under the contract – interest and penalty interest

*Queensland Building and Construction Commission Act
1991 (Qld), s67P*

REPRESENTATION:

Applicant: Self-represented

Respondent: Self-represented

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the
Queensland Civil and Administrative Tribunal Act 2009 (Qld).

REASONS FOR DECISION

- [1] On 13 August 2018 a decision in this matter was handed down. It was not possible to make final orders without further submissions in relation to the calculation of interest.

- [2] On 5 October 2018 the respondent filed submissions as directed. The applicant has not filed any submissions.
- [3] In the decision of 13 August 2018, I made the following orders in favour of the applicant:
- (a) the respondent pay to the applicant the sum of \$5,272.85 by way of damages for breach of contract;
 - (b) the respondent pay interest to the applicant in the sum of \$1,782.66.
- [4] I found that the outcome of the proceeding will mean that the amount ordered in favour of the applicant in the amount of \$7,055.51 will be offset against any amount ordered in favour of the respondent.
- [5] In relation to the counter-application, I found that the applicant must pay the sum of \$4,404.38 to the respondent as money owed under the contract and that the respondent was entitled to penalty interest pursuant to s 67P of the *Queensland Building and Construction Commission Act 1991 (Qld)*. I required submissions from the parties in relation to calculation of penalty interest.
- [6] The respondent calculated penalty interest in the sum of \$2,676.13 by reference to the sum of 10% a year and the rate comprising the annual rate, as published by the Reserve Bank of Australia for 90-day bills. The interest rates were applied to the sum of \$4,404.38 for the period 14 March 2015 to 13 August 2018. I am satisfied on the material filed by the respondent that the calculations are correct.
- [7] Accordingly, I order that the applicant pay the respondent the sum of \$4,404.38 for moneys owed under the contract as a debt and pay interest in the sum of \$2,676.13, totalling \$7,080.51.
- [8] Given the respective awards I order that the applicant pay the respondent the sum of \$25.00 within 21 days from the date of this decision.