
Wet Weather- Claiming extensions of time to your building contract

If you use HIA Building Contracts and you have a project that will be delayed because of wet weather or other weather conditions, you need to claim an extension of time to the project's completion date in writing.

Wet weather during a building project does not give you an automatic extension to the building period. This must be sought through a claim as set out in the "Delays and Extensions of Time" clause in HIA contracts. This procedure involves the giving of a written notice within 10 working days after becoming aware of the cause and the extent of the delay. The notice should inform the owner of the exact amount of extra time that is to be added to the building period due to the adverse weather experienced.

There is no set number of days that can be claimed for the amount of rain that falls - it is for you to determine how much extra time should be added based on the amount of rain, and the effect it has had on the project, in consideration of the stage your project is at.

As it is a claim, your client does have a right to dispute the length of time sought as an extension so ensure what is claimed is reasonable. If your client wants to dispute the extension, it must be in writing, as per the contract requirements. If the claim is not disputed, then it is accepted and your contract period is extended.

Failing to claim extensions of time can lead to your project going past the time for completion set out in your contract, and may result in a penalty for you, such as liquidated damages (if specified) or other damages that arise from the breach (non completing on time as agreed in the contract).

HIA Stationery has documentation available to assist you to claim extensions of time. For further information, contact your Workplace Advisor on 1300 650 620.