Dear CLIENT,

Please see **attached** Notice issued under Clause 33 of the ACT Home Building Contract dated DATE.

The purpose of this Notice is to rectify an ambiguity at Clause 10 and Schedule A, A10 – being to amend these items to reflect the correct clause, being Clause 13.

If you require further advice in relation to what this amendment means for you, we encourage you to speak to your solicitor.  We would also be happy to discuss this change with you.

Kind regards,

BUILDER

**Notice under Clause 33 Ambiguity or Discrepancy under MBA Home Building Contract**

**(Version ACTHBC01/2022)**

This notice is issued under Clause 33 of the Master Builders Association of the ACT ‘ACT Home Building Contract’ (Version **ACTHBC 01/2022**).

**Which clauses are affected?**

**Clause 10 Practical Completion** provides the following:

1. The builder will reach Practical Completion by the date of Practical Completion as specified in Appendix A, Item 10a, unless that time is extended under **clause 15.**

**Appendix A, A10 Date for Practical Completion**

Period for Practical Completion unless extended under Clause **15** or 24.

**What is the change required?**

The abovementioned clauses include a reference to Clause 15, when the correct reference should be **Clause 13** (Delays & Extension of Time).  The amendment to this clause removes the ambiguity when calculating the correct date for practical completion under the contract.

**What happens next?**

BUILDER requires your written instructions within five (5) days from the date of this Notice as to how the ambiguity is to be addressed.

**Proposed resolution to ambiguity**

To assist in providing your instructions, the following variation to the ACT Building Contract is proposed:

The Builder and Client agree that the following amendments are made to the ACT Home Building Contract dated **DATE**:

**Clause 10 Practical Completion** provides the following:

1. The builder will reach Practical Completion by the date of Practical Completion as specified in Appendix A, Item 10a, unless that time is extended under **clause 15.**

**Delete ‘15’ and replace with ‘13’.**

**Appendix A, A10 Date for Practical Completion**

Period for Practical Completion unless extended under Clause **15** or 24.

**Delete ‘15’ and replace with ‘13’.**

**Please provide your instructions to EMAIL.**

**Signed by**

**BUILDER**

**DATE**