S116 – NOTICE TO RECTIFY DEFECTS EXISTING AT PRACTICAL COMPLETION

(Clause 35)

DATE: [INSERT DATE OF NOTICE]

TO CONTRACTOR: [INSERT CONTRACTOR NAME]

PROJECT NAME: [INSERT PROJECT/CONTRACT NAME]

CONTRACT No.: [INSERT CONTRACT NUMBER]

The Contractor is referred to the Certificate of Practical Completion issued on [INSERT DATE OF CERTIFICATE OF PRACTICAL COMPLETION].

The following defects existed at that date:

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| [PROVIDE FULL PARTICULARS OF EACH DEFECT. ATTACH ADDITIONAL SHEETS IF NECESSARY] |

You are reminded that under clause 35 such defects existing at Practical Completion are to be rectified as soon as possible and at times and in a manner ensuring as little inconvenience as is reasonably possible to the occupants or users of the Works.

Please rectify such defects as soon as possible. Please notify me when you propose to rectify them and notify me when the defects are rectified so that the Works can be inspected.

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| --- | --- |
| Signed by the Superintendent: | |
|  |  |
| Signature |  |
|  |  |
| Name |  |
|  |  |
| Date |  |
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| [REMOVE BEFORE SENDING] Notes: | |
| a) | This form is not a direction to rectify. It is not obligatory. It is merely a useful reminder that it may be given to the Contractor because that the Contractor is obliged to rectify all defects existing at Practical Completion. The Superintendent may issue a Certificate of Practical Completion notwithstanding minor defects. Refer to subparagraphs (a)(i), (ii) and (iii) of the definition of Practical Completion. |
| b) | If the Contractor fails to comply with the obligation to rectify defects existing at Practical Completion the Superintendent should give the Contractor Form S117 following. |
| c) | As to service of this Form S116, refer to clause 7. |