

## BDA roof advice and mediation in disputes



**The intention of the parties involved in the building process is to develop a project in close collaboration and according to the relevant documents or agreements made.**

In most cases problems can be solved in close mutual consultation. Sometimes, however, it remains unclear who is responsible for any building defects. Because of its independent position, BDA Dakadvies is the ideal partner for mediation in disputes. The first option may be to draw up a binding recommendation. Both parties submit their questions and sign what is called an Act of Compromise, in which the parties indicate that they will conform to the outcome of the BDA recommendation.

In this way, legal proceedings may be prevented. However, practice has shown that the stakes are sometimes so high and the disputes become so heated that it is no longer possible to draw up a binding recommendation. Disputes are brought before the courts more and more often. BDA is regularly engaged by the courts to draw up an expert opinion. If you are a party in a dispute, you can request that the court or the Court of Arbitration engages BDA as an expert witness in the proceedings.

### **How does mediation work in practice?**

Unfortunately, practice is unrelenting and in some cases problems occur that cannot be predicted in advance. In practice it may turn out that the construction devised beforehand is not feasible. Interim changes to the design, the materials to be used and less tried performance methods, unforeseen delays and budget cuts may lead to building defects. This usually has profound financial consequences and results in disturbed relationships between the building partners.