

Before the Building Practitioners Board

	BPB Complaint No. 26808
Licensed Building Practitioner:	Igor Kolevich Arakelian (the Respondent)
Licence Number:	BP125951
Licence(s) Held:	Roofing
	AoP 4 Roof Membrane, AoP 5 Torch on Roof Membrane, AoP 6 Liquid Membrane Roof, AoP 7 Shingle or Slate Roof

Decision of the Board in Respect of the Conduct of a Licensed Building Practitioner Under section 315 of the Building Act 2004

Complaint or Board Inquiry:	Complaint
Hearing Location:	by audio-visual link
Hearing and Draft Decision Date:	27 January and 19 March 2026
Board Members Present:	
	Mr M Orange, Chair, Barrister (Presiding)
	Mrs F Pearson-Green, Deputy Chair, LBP, Design AoP 2
	Mr C Lang, Building Surveyor and Quantity Surveyor

Procedure:

The matter was considered by the Building Practitioners Board (the Board) under the provisions of Part 4 of the Building Act 2004 (the Act), the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008 (the Complaints Regulations) and the Board's Complaints and Inquiry Procedures.

Disciplinary Finding:

The Respondent **has not** committed a disciplinary offence.

Contents

Summary of the Board’s Decision	2
The Charges	2
Evidence	3
Failure to Provide a Record of Work	3
Did the Respondent carry out or supervise restricted building work?.....	3
Board’s Decision	4

Summary of the Board’s Decision

[1] The Board found that there was insufficient evidence to establish that the Respondent had carried out the restricted building work complained about and found that he had not committed a disciplinary offence under section 317(1)(da)(ii) of the Act.

The Charges

[2] The prescribed investigation and hearing procedure is inquisitorial, not adversarial. There is no requirement for a complainant to prove the allegations. The Board sets the charges and decides what evidence is required.¹

[3] In this matter, the disciplinary charge the Board resolved to further investigate² were that the Respondent may, in relation to building work at [OMITTED], have failed, without good reason, in respect of a building consent that relates to restricted building work that he or she is to carry out or supervise, or has carried out or supervised, (as the case may be), to provide the persons specified in section 88(2) with a record of work, on completion of the restricted building work, in accordance with section 88(1) of the Act contrary to section 317(1)(da)(ii) of the Act.

¹ Under section 322 of the Act, the Board has relaxed rules of evidence which allow it to receive evidence that may not be admissible in a court of law. The evidentiary standard is the balance of probabilities, *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1.

² The resolution was made following the Board’s consideration of a report prepared by the Registrar in accordance with regulation 10 of the Complaints Regulations.

- [4] The Board³ initially dealt with the complaint by way of a Draft Decision. The Respondent disputed the findings. The Draft Decision was set aside, and a hearing was scheduled for 27 January 2026. The Respondent did not attend; the hearing was adjourned. In fairness to the Respondent and complying with the principles of natural justice, a new hearing date was set.

Evidence

- [5] The Board must be satisfied on the balance of probabilities that the alleged disciplinary offences have been committed⁴. Under section 322 of the Act, the Board has relaxed rules of evidence, which allow it to receive evidence that may not be admissible in a court of law.

Failure to Provide a Record of Work

- [6] A Licensed Building Practitioner must provide a record of work for any restricted building work that they have carried out or supervised to the owner and the Territorial Authority (TA) on completion of their restricted building work.⁵
- [7] There is a statutory requirement under section 88(1) of the Building Act 2004 for a licensed building practitioner to provide a record of work to the owner and the TA on completion of restricted building work⁶ unless there is a good reason for it not to be provided.⁷

Did the Respondent carry out or supervise restricted building work?

- [8] The allegation was that the Respondent had carried out or supervised restricted building work on a residential dwelling under a building consent. He was noted on a Building Consent Authority (BCA) inspection record as the Licensed Building Practitioner (LBP) who had installed a waterproofing membrane to a first-floor balcony and gutter. Because of that notation, and on the insistence of the BCA (the Auckland Council) that a complaint be made about a failure to provide a record of work, a complaint was made by a project manager who had taken over the project in its latter, finishing stages. The Respondent disputed that he was the person who had carried out the restricted building work.
- [9] The project manager gave evidence at the hearing but was unable to provide any further evidence linking the Respondent to the waterproofing membrane work. An LBP Carpenter who was involved in the building work when the membrane was installed also gave evidence. He was not able to link the Respondent, whom he did not know, to the restricted building work.

³ The Board is a statutory body established under section 341 of the Act.³ Its functions include receiving, investigating, and hearing complaints about, and to inquire into the conduct of, and discipline, licensed building practitioners in accordance with subpart 2 of the Act. It does not have any power to deal with or resolve disputes.

⁴ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

⁵ Section 88(1) of the Act.

⁶ Restricted Building Work is defined by the Building (Definition of Restricted Building Work) Order 2011

⁷ Section 317(1)(da)(ii) of the Act

Board's Decision

[10] There was insufficient evidence on which to make a finding that the Respondent was the LBP who had carried out or supervised the restricted building work complained about. As such, the Board finds that the Respondent **has not** failed to provide a record of work on the completion of restricted building work.

Signed and dated this 15th day of April 2026.

A handwritten signature in black ink, appearing to be 'M Orange', written in a cursive style.

Mr M Orange
Presiding Member