

Before the Building Practitioners Board

	BPB Complaint No. 26697
Licensed Building Practitioner:	Krishnil Prasad (the Respondent)
Licence Number:	BP 134872
Licence(s) Held:	Carpentry

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 Type:	Video conference
Hearing and Decision Date:	7 October 2025
Board Members Present:	
	Mr M Orange, Chair, Barrister (Presiding)
	Mrs F Pearson-Green, Deputy Chair, LBP, Design AoP 2
	Mr G Anderson, LBP, Carpentry and Site AoP 2

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.

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Summary of the Board's Decision

- [1] The Board was satisfied that the Respondent had provided a record of work in accordance with section 88(1) of the Act and that he had not committed a disciplinary offence.

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] The Board 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.

Evidence

- [4] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed². 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

- [5] 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 on completion of their restricted building work.³

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

³ Section 88(1) of the Act.

- [6] 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 territorial authority on completion of restricted building work⁴ unless there is a good reason for it not to be provided.⁵

Did the Respondent carry out or supervise restricted building work

- [7] The Respondent was engaged to carry out and/or supervise building work on residential dwellings at [OMITTED], Auckland under building consents. His work included building work on the structure and exterior cladding, both of which are forms of restricted building work.⁶ As such, he was obliged to provide a record of work on its completion.

Was the restricted building work complete

- [8] The Respondent's restricted building work took place between 2021 and 2024, and the Board was satisfied that the Respondent's restricted building work continued up until September 2024. September 2024 was the completion date.

Has the Respondent provided a record of work on time

- [9] In his written response, the Respondent stated he had provided a record of work in October 2024 and again in December 2024. The record of work was, however, dated 20 September 2021, which implied that the restricted building work was completed then. He explained that he made a mistake when completing the form and that it should have been dated 2024. The Board accepted that explanation.
- [10] The Board also accepted that the Respondent provided the record of work to the owners as he had set out and that, because he made the Code Compliance Certificate application on behalf of the owners, he had also provided it to the Territorial Authority in a timely manner.

⁴ Restricted Building Work is defined by the Building (Definition of Restricted Building Work) Order 2011

⁵ Section 317(1)(da)(ii) of the Act

⁶ Clause 5 of the Building (Definition of Restricted Building Work) Order 2011

Board's Decision

- [11] The Respondent **has not** failed to provide a record of work on completion of restricted building work and has not committed a disciplinary offence.

Signed and dated this 20th day of October 2025

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

Mr M Orange
Presiding Member