

Melbourne couple win payout for defective flooring after supplier blamed their mop

Karen Michael May 10, 2018



A couple has won compensation after their new floating floor cracked within weeks of installation.

The Victorian Civil and Administrative Tribunal ordered the retailer who sold the defective product, Mint Tiles, pay almost \$30,000 to the applicants.

The couple in 2016 had 166 square metres of engineered oak floorboards installed in all rooms of a house except the bedrooms. But the floor failed in every room and progressively deteriorated.

Within two months, cracks appeared on the edges, causing the boards to split up to several hundred millimetres. The unsightly split timber had sharp edges

and exposed the underlying plywood base.

The supplier claimed it was the use of a spray mop on the boards that caused the problem. In his defence, he said the defects resulted from improper maintenance and abnormal use by the consumer, with a submission that “frequent mopping and too much water ... can exacerbate damage to board edges.”

But the woman who used the mop explained it had a trigger that sprayed only a very fine mist onto the floor in front of the mop’s cleaning pad. The pad was then run over the dampened surface. She used the mop no more than once a week and usually once a fortnight.

The supplier said he had been importing the flooring since 2009 and had never had a complaint.

He said other floorboards imported in the same batch were installed at an apartment complex and there had been no complaint.

The builder was also blamed as part of the defence, with a claim the boards were damaged by a hammer hitting the edges during installation.

Director of the builder Build-It Pty Ltd Russell Milne told the tribunal he had 30 years experience installing all types of floating floors. He brought off-cuts from the site to the hearing to show the problem was in the manufacturing.

He explained that the side edges above and below the tongue had not been machined square to the tongue. The edges had been unusually machined to an acute angle.

He said that had weakened the edges, causing them to split when the boards flexed as people walked on them.

Tribunal member Blair Ussher agreed the problem was a manufacturing fault and found the supplier, Mint Tiles, had contravened consumer guarantees

and was liable for damages.

He said the product was so lacking in durability it could not withstand being joined together with proper tools in the usual installation technique, nor the use of an appliance with no greater impact than a wet cloth.

He found the builder's installation was of a high standard and did not contribute to the damage.

It was common ground that the actual manufacturer did not have a place of business in Australia but the tribunal found the retailer fitted within the definition of "manufacturer" under consumer law.

Mr Ussher ordered that the manufacturer Ausocean Bamboo Pty Ltd in turn compensate Mint Tiles.

It was accepted that the floor could not be fixed and had to be totally replaced.

The applicants were given a full refund for the boards (\$9779), and were granted costs for the removal and replacement of the boards (\$10,500).

They were also granted \$1500 for the removal of furniture to make way for the new flooring and \$7300 for accommodation while the house was not habitable for two to three weeks.

The total amount payable amount was \$29,079, as well as \$3000 in witness and filing costs.