

Public Warning Notice

Issued under section 223 of the *Australian Consumer Law* (SA)

Fenbreeze Homes Pty Ltd ACN 167 819 552 and Joseph Biju Kavilpurayidathil

The Commissioner for Consumer Affairs is issuing a public warning notice to warn consumers not to deal with **Fenbreeze Homes Pty Ltd ACN 167 819 552** or **Joseph Biju Kavilpurayidathil (Building Licence Number BLD 261161)**. Joseph Biju Kavilpurayidathil is the sole director of Fenbreeze Homes Pty Ltd, a building company operating from Ferryden Park, South Australia.

The Commissioner has reasonable grounds to suspect that Fenbreeze Homes Pty Ltd ("Fenbreeze") has accepted a number of payments for building services from consumers and has failed to provide those services within a reasonable time in contravention of s 158(7) of the *Australian Consumer Law* (SA). The Commissioner has reasonable grounds to suspect that the sole director Mr Kavilpurayidathil has aided and abetted the alleged contraventions.

The above conduct has led to a number of consumers seeking assistance from Consumer and Business Services ("CBS") to resolve disputes. CBS has arranged several Compulsory Conciliation Conferences between Fenbreeze Homes and consumers, however the company has failed to attend 3 of those conferences.

Further, the Commissioner has reasonable grounds to suspect that the sole director of Fenbreeze Homes Pty Ltd has provided a number of false certificates for building indemnity insurance to consumers in relation to building works which have been completed or are yet to be completed by Fenbreeze. As a result, the Commissioner suspects that some building works have been completed and are currently being completed by Fenbreeze Homes Pty Ltd without the protection of building indemnity insurance for the home owner.

The Commissioner is issuing this Public Warning Notice as the Commissioner:

1. has reasonable grounds to suspect that Fenbreeze Homes Pty Ltd and Mr Kavilpurayidathil have acted contrary to Chapter 4 of the *Australian Consumer Law* (SA);
2. is satisfied that one or more persons has suffered, or is likely to suffer detriment as a result of the alleged conduct; and
3. is satisfied that it is in the public interest to issue a public warning notice.



Commissioner for Consumer Affairs

Date 27 October 2017