

**Administrative Resolution No. (203) of 2009**

**Concerning Procedures of Replacement of Engineering Consultants and Contractors**

**Issuance of Completion Certificates and Dealing with Abandoned Buildings**

The Director General of the Municipality:

- Upon review of the powers vested in us by the Decree of Establishing Dubai Municipality;
- Local Order No. (3) of 1999 Concerning Regulation of Construction Works in the Emirate of Dubai issued on 15 November 1999, as amended; and
- For the best interest of business,,,

**Resolved:**

**Article (1):** Applications for replacement of Engineering Consultants and Contractors and issuance of Certificates of Completion of Buildings, and dealing with cases of abandoned Buildings shall be governed by the procedures set out in the Schedule to his Resolution, approved by us.

**Article (2):** This Resolution shall come into effect as of the date of issuance. The Director of the Buildings Department shall take the necessary procedures for implementation.

**Eng. Hussain Naser Lootah**

**Director General of Dubai Municipality**

## Schedule of Procedures of Replacement of Engineering Consultants and Contractors

### Issuance of Completion Certificates and Dealing with Abandoned Buildings

Case/ Application	Procedures
<p><b>First: Replacement of Engineering Consultants</b></p> <p><b>1. Replacement of Engineering Consultant with the Consent of the Engineering Consultant</b></p>	<ol style="list-style-type: none"> <li>1. The owner shall submit to the Buildings Department an application (for Replacement of Engineering Consultant) signed by the owner, the current Engineering Consultant and the replacement Engineering Consultant.</li> <li>2. The application shall be accompanied by technical report issued by the current Engineering Consultant showing the current stage of work at the site.</li> <li>3. The owner shall submit a letter issued by the replacement Engineering Consultant listing the documents and undertakings received from the current Engineering Consultant with a declaration on the validity of the work stages at the site as noted in the current Engineering Consultant's report.</li> <li>4. A copy of the valid engineering consultancy practice license of the replacement Engineering Consultant shall be submitted.</li> <li>5. Original building permit with the attachments to the permit and all the drawings and documents attached to it shall be submitted.</li> <li>6. The Buildings Department shall issue approval to the owner for replacement of the Engineering Consultant upon fulfillment of the aforesaid requirements.</li> <li>7. The owner shall not instruct the replacement Engineering Consultant to commence the construction works except after obtaining approval of the Buildings Department.</li> <li>8. The replacement Engineering Consultant shall be allowed to follow-up the replacement procedures and pay the fees.</li> <li>9. The Municipality shall not accept any liability to the replaced engineering consultant.</li> </ol>

Case/ Application	Procedures
<p style="text-align: center;"><b>2. Replacement of Engineering Consultant without the Consent of the Engineering Consultant</b></p>	<ol style="list-style-type: none"> <li>1. The owner shall submit to the Buildings Department an application for (replacement of Engineering Consultant) signed by the owner and by the replacement Engineering Consultant.</li> <li>2. The owner shall submit written undertaking signed by the owner by which the owner undertakes to accept full responsibility for replacement of the current Engineering Consultant and for any claims by the Engineering Consultant and by third parties.</li> <li>3. The Buildings Department shall send a letter to the current Engineering Consultant informing the engineering consultant that the owner's intent to replace him and instructing him to appear at the Municipality within five working days with a technical report setting out the work stages and the reasons for his refusal of the replacement, with statement of whether the works performed to date are in conformity with the approved drawings. It is noted that in case of failure of the Engineering Consultant to appear at the Municipality or to prepare the technical report the replacement procedures shall be continued.</li> <li>4. Minutes shall be prepared upon appearance of the Engineering Consultant setting out the reasons for his refusal of the replacement application and the discussions with him of the stages of completion of the works as per the technical report prepared by him for the Municipality.</li> <li>5. If the dispute between the owner and the Engineering Consultant is for financial or contractual reasons between them, the Engineering Consultant shall be notified of the Municipality's approval of his replacement and of his right to refer to the court for recovery of his entitlements from the owner. If the dispute is for technical reasons the Municipality shall take the necessary action for verifying such reasons and for taking the necessary steps for remedy of the same.</li> <li>6. The owner shall submit a letter from the replacement Engineering Consultant listing the documents, papers and undertakings received from the current</li> </ol>

Case/ Application	Procedures
	<p>Engineering Consultant in addition to his declaration of the validity of the work stages at the site as stated in the current Engineering Consultant's letter.</p> <ol style="list-style-type: none"> <li>7. A copy of the valid engineering consultancy practice license of the replacement Engineering Consultant shall be submitted.</li> <li>8. Original building permit with the attachments to the permit and all the drawings and documents attached to it shall be submitted.</li> <li>9. The Buildings Department shall issue approval to the owner for replacement of the Engineering Consultant upon fulfillment of the aforesaid requirements.</li> <li>10. The owner shall not instruct the replacement Engineering Consultant to commence the construction works except after obtaining approval of the Buildings Department.</li> <li>11. The replacement Engineering Consultant shall be allowed to follow-up the replacement procedures and pay the fees.</li> <li>12. The Municipality shall not accept any liability to the replaced Engineering Consultant.</li> </ol>
<p><b>Second: Replacement of Contractor</b></p> <p><b>1. Replacement of Contractor with the Consent of the Contractor</b></p>	<ol style="list-style-type: none"> <li>1. The owner shall submit to the Buildings Department an application for change of Contractor signed by the owner, the Contractor and the Engineering Consultant, setting out the reasons for replacement.</li> <li>2. The owner shall present an assignment letter from the Contractor setting out all the documents, papers and undertakings relating to the Building delivered to the Engineering Consultant.</li> <li>3. The owner shall submit a technical report issued by the Engineering Consultant setting out the completed stages of work.</li> <li>4. Letter issued by the replacement Contractor setting out the documents and papers received from the former Contractor or the Engineering Consultant.</li> <li>5. A copy of the valid license of the replacement Contractor.</li> <li>6. Original building permit with the attachments to the permit.</li> <li>7. The Buildings Department shall issue approval to</li> </ol>

Case/ Application	Procedures
	<p>the owner for replacement of the current Contractor upon fulfillment of the aforesaid requirements.</p> <p>8. The owner shall not instruct the replacement Contractor to commence the construction works except after obtaining approval of the Buildings Department.</p> <p>9. The replacement Contractor shall be allowed to follow-up the replacement procedures and pay the fees.</p> <p>10. The Municipality shall not accept any liability to the replaced Contractor.</p>
<p><b>2. Replacement of Contractor without the Consent of the Contractor</b></p>	<p>1. The owner shall submit to the Buildings Department an application for (replacement of Contractor) signed by the owner and by the Engineering Consultant, setting out the reasons justifying replacement of the Contractor.</p> <p>2. The owner shall submit written undertaking signed by the owner by which the owner undertakes to accept full responsibility for replacement of the current Contractor.</p> <p>3. The owner shall submit technical report prepared by the Engineering Consultant setting out the completed stages of work.</p> <p>4. Letter from the replacement Contractor setting out the papers and documents received from the current Contractor or the Engineering Consultant.</p> <p>5. A copy of the valid license of the replacement Contractor.</p> <p>6. Original building permit with the attachments to the permit.</p> <p>7. The Buildings Department shall send a letter to the current Contractor informing the contractor that the owner's intent to replace him and instructing him to appear at the Municipality within five working days with a technical report setting out the work stages and the reasons for the Contractor's refusal of his replacement, with statement of whether or not the works performed to date are in conformity with the approved drawings. It is noted that in case of failure of the Contractor to appear at the Municipality or to prepare the technical report the replacement</p>

Case/ Application	Procedures
	<p>procedures shall be continued.</p> <p>8. Minutes shall be prepared upon appearance of the Contractor in person, setting out the reasons for his refusal of the application for replacement and the discussions with him on the stages of completion of the works as per the technical report prepared by him for the Municipality. If the dispute between the Contractor and the owner is for financial or contractual reasons, the Contractor shall be notified of the Municipality's approval of his replacement and of his right to refer to the court for recovery of his entitlements from the owner. If the dispute is for technical reasons the Municipality shall take the necessary action for verifying such reasons and for taking the necessary steps for remedy of the same.</p> <p>9. The Buildings Department shall issue approval to the owner for replacement of the Contractor upon fulfillment of the aforesaid requirements.</p> <p>10. The owner shall not instruct the replacement Contractor to commence the construction works except after obtaining approval of the Buildings Department.</p> <p>11. The replacement Contractor shall be allowed to follow-up the replacement procedures and pay the fees.</p> <p>12. The Municipality shall not accept any liability to the replaced Contractor.</p>
<p><b>Third: Building Completion Certificate:</b></p> <p><b>1. Procedures of Issuance of Completion Certificate without the Consent of the Engineering Consultant and the Contractor</b></p>	<p>1. The owner shall submit to the Buildings Department an application for issuance of Completion Certificate signed by the owner and stating that the Engineering Consultant and the Contractor do not agree on the issuance of the certificate specifying the reasons for the same.</p> <p>2. The Buildings Department shall write to the Contractor and the Engineering Consultant with instructions to visit it within five working days and to present a letter issued by them stating the reasons for their disagreement on the issuance of the Completion Certificate accompanied by a technical report showing whether the works in the building were implemented in accordance with the approved</p>

Case/ Application	Procedures
	<p>drawings.</p> <p>3. Minutes shall be prepared upon appearance of the Contractor and Engineering Consultant in person, setting out the reasons for their disagreement on the application for issuance of the Completion Certificate. If it is found that their disagreement relates to financial or contractual reasons between them and the owner, the Buildings Department shall complete issuance of the Completion Certificate and shall note to the Contractor and the Engineering Consultant that they have the right to refer to the court for recovery of their entitlements from the owner. If the their disagreement is for technical and engineering reasons the Buildings Department shall take the necessary action for verifying such reasons and for taking the necessary steps for remedy of the same in accordance with the procedures followed by the Department in this respect.</p> <p>4. The owner shall, prior to receiving the Completion Certificate, submit a technical report issued by approved Engineering Consultant confirming that the Building is fit for occupation, in case of refusal by the Engineering Consultant to submit such technical report.</p> <p>5. The Buildings Department shall issue the Completion Certificate to the owner upon fulfillment and completion of the requirements for issuance of the same.</p>
<p><b>2. Procedures of Issuance of Completion Certificate without the Consent of the Engineering Consultant</b></p>	<p>1. The owner or the Contractor shall submit to the Buildings Department an application for issuance of Completion Certificate signed by them and specifying the reasons for the disagreement of the Engineering Consultant to issue the certificate.</p> <p>2. The Buildings Department shall write to the Engineering Consultant with instructions to visit it within three working days and to present a letter issued by him stating the reasons for his disagreement on the issuance of the Completion Certificate accompanied by a technical report showing whether the completed works in the Building were implemented in accordance with the</p>

Case/ Application	Procedures
	<p>approved drawings and applicable engineering practices.</p> <p>3. Minutes shall be prepared upon appearance of the Engineering Consultant in person, setting out the reasons of disagreement on the application for issuance of the Completion Certificate.</p> <p>4. If it is found that his disagreement relates to financial or contractual reasons between him and the owner, the Buildings Department shall complete issuance of the Completion Certificate and shall note to the Engineering Consultant that he has the right to refer to the court for recovery of his entitlements from the owner.</p> <p>If the his disagreement is for technical and engineering reasons the Buildings Department shall take the necessary action for verifying such reasons and for taking the necessary steps for remedy of the same in accordance with the procedures followed by the Buildings Department in this respect.</p> <p>5. The owner shall, prior to receiving the Completion Certificate, submit a technical report issued by approved Engineering Consultant confirming that the Building is fit for occupation, in case of refusal by the Engineering Consultant to submit such technical report.</p> <p>6. The Buildings Department shall issue the Completion Certificate to the owner upon fulfillment of the requirements for issuance of the same.</p>
<p><b>Procedures of Issuance of Completion Certificate without the Consent of the Contractor</b></p>	<p>1. The owner or the Engineering Consultant shall submit to the Buildings Department an application for issuance of Completion Certificate signed by them and stating that the Contractor does not agree on issuance of the certificate.</p> <p>2. The Buildings Department shall write to the Contractor with instructions to visit it within three working days and to present a letter issued by him stating the reasons for his disagreement on the issuance of the Completion Certificate and whether or not the completed works in the building were implemented in accordance with the approved drawings and applicable engineering practices.</p>



Case/ Application	Procedures
	<ol style="list-style-type: none"> <li>3. Minutes shall be prepared upon appearance of the contractor in person, setting out the reasons for his disagreement on the application for issuance of the completion certificate.</li> <li>4. If it is found that his disagreement relates to financial or contractual reasons between him and the owner, the Buildings Department shall complete issuance of the Completion Certificate and shall note to the Contractor that he has the right to refer to the court for recovery of his entitlements from the owner. If their disagreement is for technical and engineering reasons the Buildings Department shall take the necessary action for verifying such reasons and for taking the necessary steps for remedy of the same in accordance with the procedures followed by the Buildings Department in this respect.</li> <li>5. The Buildings Department shall issue the Completion Certificate to the owner upon fulfillment of the requirements for issuance of the same.</li> </ol>
<p><b>Fourth: Abandoned Buildings:</b> <b>1. Abandoned Buildings in Bad Constructional Condition or Ramshackle Buildings.</b></p>	<ol style="list-style-type: none"> <li>1. The Buildings Department shall give notice to the owner requesting the destruction and removal of the Building in favor of public safety and to refer to the Municipality within two weeks for issuance of the necessary permits for destruction and removal works (the notice shall be given to the owner personally and in case of inability to locate the owner's address the notice shall be served to the owner by publication in the daily newspapers).</li> <li>2. Upon expiry of the designated time without referring to the Municipality, the owner shall be charged a fine pursuant to the provisions of Local Order No. (3) of 1999 and shall be given a second notice giving him one more week to perform the requirements set out in the notice, subject to carrying out the destruction and removal works by the Municipality at the cost of the owner and charging the owner 20% of the destruction and removal cost as administrative cost.</li> <li>3. Upon expiry of the second period without performance of the requirements of the notice by the</li> </ol>

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	<p>owner, the Municipality shall proceed with the destruction and removal, and for the purposes of collection of the cost of removal, transactions relating to the plot shall be suspended by the Municipality and the local departments pending payment by the owner of the amounts due by him.</p>
<p><b>2. Abandoned Buildings in Good Constructional Condition but Constituting Environmental, Health and Security Hazard</b></p>	<ol style="list-style-type: none"> <li>1. Notice shall be given to the owner for carrying out full maintenance for the Building and for removal of any debris or wastes in the Building, and for procuring occupation of the Building rather than leaving it abandoned, all within no later than one month (the notice shall be given to the owner personally and in case of inability to locate the owner's address the notice shall be served to the owner by publication in the daily newspapers).</li> <li>2. Upon expiry of the designated time without taking the measures and making the arrangements referred to in the previous clause, the owner shall be charged a fine pursuant to the provisions of Local Order No. (3) of 1999 and shall be given one more month to perform the requirements set out in the notice, subject to suspension of any transactions relating to the plot with the Municipality and the local departments.</li> <li>3. Upon expiry of the time specified in clause (2) above without taking the required action by the owner the Municipality may take the necessary measures for performing the required works to prevent continuation of the environmental or security or health hazards. The transactions relating to the plot shall be suspended with the Municipality and the local departments, pending performance by the owner of the requirements in the notice and payment of any fines, costs or expenses payable by him.</li> </ol>

**Eng. Hussain Naser Lootah**

**Director General of Dubai Municipality**