

APPLICATION UNDER DIVISION 3 OF PART 10 of the *BUILDING ACT 1993* OR APPLICATION UNDER SECTION 159 OF THE *BUILDING ACT 1993*

1 SITE DETAILS

Address

Street Address:	
Suburb:	
State:	P/Code:

Municipality

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Is the copy of current Certificate of Title for the allotment attached?



Yes		
No		Need to attach a copy of current Certificate of Title for the allotment. Go to www.landata.vic.gov.au

2 APPLICANT

(PLEASE TICK BELOW)

Owner Adjoining Owner VBA Relevant Building Surveyor Builder

Name

--

Company name

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Address

Street Address:		
Suburb:	State:	P/Code:
Phone Business hours:	Mobile:	
Email:		

Is the Applicant the Owner of the property?

Under section 248(1) of the *Building Act 1993*, it is an offence for a person to act on behalf of an owner of a building or land for the purpose of making an application unless the person is authorised in writing to do so.

✓

	The applicant is the owner	Go to question 3
	The applicant is acting on behalf of the owner	Complete and sign the 'Authority to Act' form at the back of this form and then go to question 3
	The applicant is neither the owner nor acting on behalf of the owner	Outline the capacity of the applicant and then go to question 3

3 MANDATORY SERVICE OF DOCUMENTS

The Act requires that a copy of this application document must be served on other parties, namely:

- any other person with a right to refer the matter to the Building Appeals Board; and
- any other 'party concerned' (this is generally a person with a direct interest in the outcome of the application)

Please specify which parties have been served with a copy of this application.

No	Name	Company/Position Title	How served: Email/post
1			
2			
3			

If some parties have not been served with a copy of this application – please outline why they have not been served.

Name	Company/Position Title	Reason for not serving a copy of the application on the person
.....
.....
.....

4 OTHER PARTIES

Tick the box below to indicate the parties involved in this matter

- Owner
 Adjoining Owner
 VBA
 Relevant Building Surveyor
 Builder

List the parties involved in the matter

Name

Company name

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	
Email:	

Name

Company name

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	Mobile:
Email:	

Note: you need to list all of the parties outlined in section 3 above (Mandatory Service of Documents). If there are additional parties, please specify them in your written submission.

5 MANDATORY REQUIREMENTS

5A GENERAL REQUIREMENTS

You must supply a **written submission** which addresses the following:



	The Nature of the proceeding* What is the nature of the dispute?
	The Grounds for commencing the proceeding* What are your reasons for the application?
	The Relief Sought* What do you want the outcome to be?

5B DISPUTE APPLICATIONS

Tick appropriate dispute relating to for your application:

✓	Section of the Building Act 1993	Matter	Fee
	150	Dispute about inspections	\$
	151	Emergency protection work	\$
	152	Insurance	\$
	153	Surveys of adjoining property	\$
	154	Cost of supervising protection work	\$
	155	Other disputes between owners and adjoining owners	\$
	156	Disputes about the building permit levy	\$
	157*	Application and effect of building regulations*	\$
	158	Party Walls	\$
	159	Compensation – Protection work (Division 4)	\$

* **If your application is being made pursuant to s157 of the Building Act 1993: The Building Regulations 2018 came into operation on 02 June 2018, replacing the Building Interim Regulations 2017. You must provide which Building Regulations (you may select only one) your application is being made in respect of. If you are unsure, consult the Relevant Building Surveyor or other relevant authority as appropriate.**

6 FEES/PAYMENT

A separate fee is to be paid for each dispute selected above in 5B.

The fees are outlined at www.buildingappeals.vic.gov.au/how-to-apply/forms-and-fees

- Always refer to the current prescribed fee schedule for dispute application costs prior to submitting your application
- Complete the payment details form .

Please indicate your total fee amount payable for this application

Total Amount

\$

7 HEARING

Please indicate below if you prefer to have your application heard via a written submission or a hearing is conducted by the Board.

<input checked="" type="checkbox"/>	
<input type="checkbox"/>	I would prefer the Board to make its determination based on written submissions
<input type="checkbox"/>	I would prefer the Board to make its determination following a hearing

The Board will determine whether it is appropriate to:

- refrain from having a hearing and make its determination based on written submissions of parties.

If there is a hearing, you will be given a minimum of seven (7) days notice of your hearing date. It is expected that you will be ready to proceed on that day. Parties to the proceeding may attend and/or be represented at the hearing.

If a person provides information or documentation to the Board, the person must also provide the same information or documentation to all of the other parties to the proceeding.

8 DECLARATION AND SIGNATURE

I acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information to the Board in relation to this dispute (section 246 of the *Building Act 1993*).

SIGNATURE: _____

DATE: _____

AUTHORITY TO ACT FORM

1 OWNER/S DETAILS

Name

Company Name

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	Mobile:
Email:	

Name of second owner (if the application is also made on behalf of that person)

Company Name

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	Mobile:
Email:	

2 SITE DETAILS

Address (please note a copy of title /contract of sale is required to confirm ownership of the land/building)

Street Address:	
Suburb:	
State:	P/Code:

3 SIGNATURE OF OWNER/S

DECLARATION

I confirm I am the owner of the above site and I authorise the following person(s) to act on my behalf:

Name of agent or legal firm: _____

I also acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information to the Building Appeals Board in relation to an application (section 246 of the Act).

SIGNATURE OF FIRST OWNER: _____

PRINT NAME: _____

DATE: _____

SIGNATURE OF SECOND OWNER _____
(If the appeal is also made on behalf of a second person)

PRINT NAME: _____

DATE: _____

APPLICATION CHECKLIST

Use this checklist to ensure all your required documents are submitted. If all the required information is not provided at the time of submission your application may not proceed.

1 SITE DETAILS	Please tick
A copy of the current Certificate of Title for the allotment is attached	<input type="checkbox"/>
2 APPLICANT	
If the applicant is not the owner, and the application is on behalf of the owner, the 'Authority to Act' Form has been completed and signed	<input type="checkbox"/>
3 MANDATORY SERVICE OF DOCUMENTS	
A copy of this application document has been served on other parties	<input type="checkbox"/>
4 OTHER PARTIES	
The details of other parties are accurate	<input type="checkbox"/>
5 MANDATORY REQUIREMENTS	
A written submission has been supplied addressing the Nature, Grounds and Relief sought	<input type="checkbox"/>
The appropriate section of the <i>Building Act 1993</i> that your dispute relates to has been identified	<input type="checkbox"/>
Evidence in support of your application has been provided (e.g. drawings, photographs, plans or expert reports)	<input type="checkbox"/>
6 FEES/PAYMENT	
Total fee amount payable for this application is identified	<input type="checkbox"/>
Payment details form have been completed and is attached	<input type="checkbox"/>
7 HEARING DETAILS	
Preference to have your application determined via a written submission or that a hearing is conducted by the Board has been identified	<input type="checkbox"/>
8 DECLARATION AND SIGNATURE	
You have acknowledged that it is an offence under section 246 of the Act to knowingly make any false or misleading statement or provide any false or misleading information to the Board in relation to this dispute	<input type="checkbox"/>