

File Number

FORM 13
Building Act 1993

Regulation 182(2), Building Regulations 2018

BUILDING ORDER TO STOP BUILDING WORK

This building order is made under section 112 of the **Building Act 1993**.

TO:

The owner:

.....
Full name

Of:

.....
Address for service on owner

OR

TO:

Other person:

.....
Name of person other than the owner required by this building order to stop building work

Of:

.....
Address for service on person named immediately above

FROM:

^ Private Building Surveyor

I am the private building surveyor appointed to carry out functions under the **Building Act 1993** in relation to the *building/*land/*place of public entertainment which is the subject of this building order.

^ Municipal Building Surveyor

I am the municipal building surveyor of
Insert name of Municipal District

I am authorised by section 112 of the **Building Act 1993** to make this building order.

PROPERTY DETAILS:

Location of the *building/*land/*place of public entertainment to which this order applies:

Address:

.....
Number Street City/Suburb/Town Postcode

Title Particulars:

.....
Lot/s LP/PS Volume Folio

.....
Crown Allotment Section Parish County

Municipal District:

.....

STOP WORK ORDER:

I, as the relevant building surveyor, order that:

*1. By _____ on _____, the owner must stop the following building work on the
[insert time] [insert date]
*building/*land/*place of public entertainment located at _____:
[insert address]

[insert description of building work that must stop]

*2. By _____ on _____, _____
[insert time] [insert date] [insert name of person other than owner who is subject to this stop work order]
must stop the following building work on the *building/*land/*place of public
entertainment located at _____:
[insert address]

[insert description of building work that must stop]

***EXEMPT BUILDING WORK:**

The following building work or part of the building work is exempt from this stop work order:

*[Specify building work that is exempt from the stop work order if the relevant building surveyor considers that it is necessary for the exempt work to be carried out and the reasons for the exemption *in the interests of the safety or security of the building, land or place of public entertainment on which the building work is being carried out/*in the interests of the safety or health of any member of the public/*to prevent a nuisance to members of the public or occupiers of nearby properties.]*

***INSPECTION DETAILS:**

*The date and time of any inspection of the *building/*land/*place of public entertainment carried out by myself as the relevant building surveyor was—

Time of inspection: **Date of inspection:**

[list any inspections carried out by the Relevant Building Surveyor]

*The date and time of any inspection relied on by myself as the relevant building surveyor for the purpose of making this order, and the name and qualifications of the person or persons who conducted the inspection are—

Time of inspection: **Date of inspection:**

Inspected by:
Name Qualifications/Job title RBP number

[list details of any inspections relied on by the relevant building surveyor]

REASON(S) WHY THIS ORDER WAS MADE:

In accordance with section 112 of the **Building Act 1993**, I am of the opinion that—

***Building work contravenes the Building Act 1993**

Building work has been carried out on the *building/*land/*place of public entertainment in contravention of the **Building Act 1993**. The building work that contravenes the **Building Act 1993** is

.....
[describe work]

[state reason(s) why the building work does not comply with the Building Act 1993, using specific references to the section(s) of that Act that have been breached by the building work]

***Building work contravenes the Building Regulations 2018**

Building work has been carried out on the *building/*land/*place of public entertainment in contravention of the Building Regulations 2018.

The building work that contravenes the Building Regulations 2018 is

.....
[describe work]

[state reason(s) why the building work does not comply with the Building Regulations 2018, using specific references to the regulation(s) that have been breached by the building work, including clauses of the BCA where applicable]

***Building work is a danger to life, safety or health**

Building work is a danger to the life, safety or health of any member of the public or of any person using the *building/*land/*place of public entertainment or to any property.

The building work that is a danger to life, safety or health is

.....
[describe work]

[state reason(s) why the building work is a danger to the life, safety or health of any member of the public or of any person using the building, land or place of public entertainment or to any property]

***Building work affects the support of any adjoining property**

Building work affects the support of any adjoining property.

[state reason(s) why the building work is affecting the stability of any adjoining property, including details of the location of the adjoining property affected]

BUILDING ORDER TO STOP BUILDING WORK MADE BY:

Relevant building surveyor:
Name and RBP number

Address:

Contact number: **Email:**

***Municipal district/*Council name:**

Building Order number:

Signature: **Date of making:**

^ Select as applicable
* Delete if inapplicable

NOTES:

Duration of building order

1. Under section 117 of the *Building Act 1993* (the Act), a building order remains in force, and if amended remains in force as amended, until it is complied with or it is cancelled by the relevant building surveyor or Building Appeals Board.

Amendment or cancellation

2. Under section 116 of the Act, if there is a change in circumstances after the service of a building order, the owner may request the relevant building surveyor to amend or cancel the building order.

Compliance and exemptions

3. If an order to stop building work is made under section 112 of the Act, the person to whom the order is directed must stop the building work. Exemptions apply to the building work carried out in compliance with an order under section 111 of the Act, building work carried out in compliance with a direction to fix building work and to

building work exempted by the relevant building surveyor under section 112(6) of the Act.

Penalty for failure to comply

4. Under section 118(1) of the Act, a person to whom a building order is directed must comply with that order. Penalty: 500 penalty units in the case of a natural person and 2500 penalty units in the case of a body corporate.

Appeal rights

5. Under section 142(2) of the Act, an owner of a building or land may appeal to the Building Appeals Board (BAB) against a decision to make a building order, impose any conditions on a building order, a failure within a reasonable time to amend or cancel a building order, refuse to amend or cancel a building order, or require that a building order is fully complied with. For the purpose of section 146(1)(a) of the Act, the prescribed appeal period under regulation 271 of the Building Regulations 2018 against the making of this building order is **30 days** after the day this building order is served on the person to whom it is directed. In the case of an appeal against the imposition of a condition on this building order, the prescribed period is **30 days** after the order is served on the person to whom it is directed. In the case of an appeal against a refusal to amend or cancel this building order, the prescribed period is **30 days** after the day the owner is notified of the refusal or the day the relevant building surveyor is deemed to have refused to amend or cancel this building order. In the case of an appeal against a requirement that that this building order be fully complied with, the prescribed period is **30 days** after the day the owner is notified of the requirement.

Information regarding the appeal process can be obtained by contacting the BAB:

- website: www.buildingappeals.vic.gov.au
- phone: 1300 421 082
- email: registry@buildingappeals.vic.gov.au

Subsequent owners

6. Under section 236(6) of the Act, this order is binding on every subsequent owner of the land.

Owners corporations

7. If this order is to be served on an owner of a lot affected by an owners corporation, the order may be served on the owners corporation and if so served is taken to be served on the owner. An owners corporation on whom an order is served must not fail to provide a copy of the order to each lot owner affected by the order within a reasonable time after receiving the order. Penalty: 60 penalty units.