

File Number

FORM 11
Building Act 1993

Regulation 180, Building Regulations 2018

BUILDING NOTICE

This building notice is served under section 106 of the **Building Act 1993**.

***WARNING:** THIS NOTICE HAS BEEN SERVED IN ACCORDANCE WITH SECTION 236(4A) OF THE **BUILDING ACT 1993**. UNDER SECTION 236(7) OF THAT ACT, IT IS AN OFFENCE FOR A PERSON TO REMOVE OR DEFACE THIS NOTICE WITHOUT THE PRIOR CONSENT OF THE RELEVANT BUILDING SURVEYOR, THE RELEVANT COUNCIL OR THE VICTORIAN BUILDING AUTHORITY. THE MAXIMUM PENALTY FOR THIS OFFENCE IS 500 PENALTY UNITS FOR A NATURAL PERSON AND 2500 PENALTY UNITS FOR A BODY CORPORATE.

TO:

The Owner:

.....
Full name

Of:

.....
Address for service on the Owner

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 notice.

^ Municipal Building Surveyor

I am the municipal building surveyor of
Name of Municipal District

I am authorised to cause a building notice to be served on you, as owner of the *building/*land/*place of public entertainment to which this notice applies, under Division 2 of Part 8 of the **Building Act 1993**.

PROPERTY DETAILS:

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

Address:

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

Title Particulars:

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

.....
Crown Allotment Section Parish County

Municipal District:

.....

***INSPECTION DETAILS:**

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

Inspection Date: **Inspection Time:**

[list any inspections carried out by the relevant building surveyor]

*The date and time of an inspection relied on by myself as the relevant building surveyor for the purpose of serving this notice, and the name and qualifications of the person or persons who conducted the inspection, are:

Inspected by:
Name Qualifications/Job title RBP number

Inspection Date: **Inspection Time:**

REASONS WHY THIS NOTICE WAS SERVED:

In accordance with section 106 of the **Building Act 1993**, I am of the opinion that the following circumstance(s) exist(s):

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

***Building work carried out without a building permit being issued and in force under the Building Act 1993**

The following building work has been carried out on the *building/*land/*place of public entertainment without a building permit as required by the **Building Act 1993**:

[insert description of building work carried out on the relevant building, land or place of public entertainment without a building permit, including details of when this building work was carried out]

***Building work carried out in contravention of a building permit**

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

The particulars of the relevant building permit are:

Building permit no.: Date of issue of building permit:

The building work that contravenes the building permit is:

[insert description of relevant building work and state reason(s) why the building work does not comply with the building permit identified above]

A copy of the relevant building permit is **attached** to this notice.

***Building work has been carried out in contravention of the Building Act 1993**

The following building work has been carried out on the *building/*land/*place of public entertainment in contravention of the **Building Act 1993**:

[insert description of relevant building work and state reason(s) why this 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 carried out in contravention of the Building Regulations 2018 (this includes building work carried out in contravention of the Building Code of Australia)**

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

[insert description of relevant building work and state reason(s) why 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, if applicable]

***Use of building or place of public entertainment in contravention of the Building Act 1993**

The use of the *building/*place of public entertainment contravenes the **Building Act 1993**.

[state reason(s) why use or uses of the building or place of public entertainment do not comply with the Building Act 1993, using specific references to the section(s) of that Act that have been breached by the use or uses]

***Use of building/*place of public entertainment in contravention of the Building Regulations 2018**

The use of the *building/*place of public entertainment contravenes the Building Regulations 2018.

[state reason(s) why the use or uses of the building or place of public entertainment do not comply with the Building Regulations 2018, using specific references to the regulation(s) that have been breached by the use or uses]

***Safety or emergency services, installations or equipment have not been maintained in accordance with the occupancy permit and the Building Regulations 2018**

The following safety or emergency service(s), installation(s) or equipment have not been maintained in accordance with the occupancy permit and the Building Regulations 2018.

[insert description of each safety or emergency service, installation or equipment that has not been maintained, using specific references to the regulation(s) or the requirement(s) in the occupancy permit that the emergency service, installation or equipment has not been maintained in accordance with]

***Building/ *place of public entertainment unfit for occupation or use as a place of public entertainment**

*The building is unfit for occupation.

*The place of public entertainment is unfit for occupation or for use as a place of public entertainment.

[state reason(s) why the building or place of public entertainment is unfit for occupation or for use as a place of public entertainment]

***Danger to life, safety or health from *building/*land/*place of public entertainment**

The *building/*land/*place of public entertainment 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.

[state reason(s) why the building, land or place of public entertainment or building work on the building, land or place of public entertainment 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]

***Danger to life, safety or health from building work**

Building work on the *building/*land/*place of public entertainment 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.

[state reason(s) why building work on the building, land or place of public entertainment 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]

***Failure to comply with a direction to fix building work under Division 2 of Part 4 of the Building Act 1993**

There has been a failure to comply with a direction to fix building work under Division 2 of Part 4 of the **Building Act 1993**.

[state reason(s) why the building surveyor issuing this notice believes the direction has not been complied with]

A copy of the relevant direction is **attached** to this notice.

SHOW CAUSE PROCESS

Under section 108 of the **Building Act 1993**, you are required to show cause, within 30 days of the date of service of this notice —

***why entry, use, or occupation of the *building/*land/*place of public entertainment should not be prohibited.**

*** why you should not be required to evacuate the *building/*land/*place of public entertainment.**

***why you should not be required to carry out the building work, protection work or work required by the Building Regulations 2018 identified in this notice in relation to the *building/*land/*place of public entertainment.**

[insert description of building work, protection work or other work that may be required by a building order to remedy the circumstances identified in this notice]

Specified period for making representations isdays from the date of service of this notice.

Note: The period for making representations cannot be less than 30 days from the day the notice is served on the person.

The manner for making representations in response to the matters contained in this notice is

[insert specifics of the Relevant Building Surveyor's preferred manner for receiving representations in response to this notice]

BUILDING NOTICE SERVED BY:

Relevant Building Surveyor:
Name and RBP number

Address:

Contact number: **Email:**

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

Building Notice number:

Signature: **Date of making:**

^ Select as applicable

* Delete if inapplicable

NOTES: Representations

by owner

1. Under section 109 of the *Building Act 1993* (the Act), an owner may make representations to the Relevant Building Surveyor about the matters contained in the building notice. Any representations must be made within the specified period and in the manner specified in the notice.

Cancellation

2. Under section 110 of the Act, the Relevant Building Surveyor may cancel a building notice if he/she considers it appropriate to do so after considering any representations made under section 109 of the Act.

Building order

3. Subject to section 107 of the Act, a Municipal Building Surveyor or a Private Building Surveyor may make a building order under section 111 after the end of the time allowed by the building notice for making representations.

Appeal rights

4. Under section 142(1) of the Act, an owner of a building or land may appeal to the Building Appeals Board (BAB) against a decision to serve a building notice and, a failure within a reasonable time, or refusal, to cancel a building notice. For the purpose of section 146(1)(a) of the Act, the prescribed appeal period under regulation 271 of the Building Regulations 2018 is **30 days** after the day this building notice is served on the owner.

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

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

Owners corporations

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