Form 11

Regulation 180

**Building Act 1993**

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 [*insert full name*]

Of [*insert address for service on the owner*]

**FROM:**

\*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.

\*I am the municipal building surveyor of [*insert 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**.

**LOCATION OF THE \*BUILDING/\*LAND/\*PLACE OF PUBLIC ENTERTAINMENT TO WHICH THIS NOTICE APPLIES:**

Number Street/road City/suburb/town Postcode

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:

Time of inspection:

Date of inspection:

[*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:

Time of inspection:

Date of inspection:

Name of person/persons:

Qualification(s) of person/persons:

\*Building practitioner registration no. of person/persons:

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

**REASON(S) WHY THIS NOTICE WAS SERVED:**

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

**\*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 here 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 order.

**\*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)**

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 entertainmentis 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:**

[*insert specified period for making representations*]

**Specified manner for making representations:**

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: [*insert full name*]

Address:

Email:

\*Building practitioner registration no. of person/persons.:

\*Municipal district/\*council name:

Building notice no.:

Date of making:

Signature:

*\* Delete if inapplicable*