Form 9

Regulation 115(a)

**Building Act 1993**

Building Regulations 2018

notice of determination under section 87 of the Act

**To**

\*Owner/\*owner's agent

Postal address

 Postcode

**Address of owner's property on which building work is to be carried out**

Number Street/road

 City/suburb/town

Relevant building surveyor

Postal address

 Postcode

**And to**

\*Adjoining owner/\*adjoining owner's agent

Postal address

 Postcode

Contact person Telephone

**Address of adjoining property**

Number Street/road City/suburb/town

**DETERMINATION**

1. I am the relevant building surveyor appointed on [*insert date*] under Part 6 of the **Building Act 1993** by or on behalf of the owner, [*insert full name of owner of the property on which building work is being carried out*].

 2. On [*insert date*] I received from the adjoining owner a notice under section 85(1)(b) of the **Building Act 1993** (the ***adjoining owner's notice***).

 3. In the adjoining owner's notice, the adjoining owner \*disagreed with the proposed protection work/\*required more information to be given to enable the proposal for protection work to be considered by me. I **attach** a copy of the adjoining owner's notice to this determination.

 4. As a result of the adjoining owner's notice, I am required by the **Building Act 1993** to examine the owner's proposal for protection work.

 5. I received the owner's proposal for protection work under section 84 of the **Building Act 1993** on [*insert date*] (the ***owner's proposal for protection work***). I **attach** the owner's proposal for protection work to this determination.

 6. In making this determination, I have examined the owner's proposal for protection work.

 \*7. Before making this determination, I requested the following additional information from the owner under section 87(2)(a) of the **Building Act 1993** [*specify relevant information*]. I received this information on [*insert date*].

 **\***8. On [*insert date*], I made a copy of the additional information (referred to in paragraph 7 above) available to the adjoining owner.

 **\***9. In determining the appropriateness or otherwise of the owner's proposal for protection work, I made the following inquiries under section 87(3) of the **Building Act 1993** [*specify any relevant inquiry made*].

 10. After considering all matters required of me under the **Building Act 1993** and the Building Regulations 2018, I determine the owner's proposal for protection work is \*appropriate/\*not appropriate.

**Made by relevant building surveyor**

Name: [*insert full name*]

Address:

Email:

Building practitioner registration no.:

\*Municipal district/\*council name:

Related building permit no. (if known):

Date determination made:

Signature:

**Rights of appeal under section 141 of the Building Act 1993**

An owner required to carry out protection work or an adjoining owner may appeal to the Building Appeals Board against—

(a) a determination under section 87 of the **Building Act 1993** as to the appropriateness of the work; or

(b) a declaration under section 89 of the **Building Act 1993**; or

(c) a failure, within a reasonable time, or refusal to make that determination or declaration; or

(d) a request under section 87 of the **Building Act 1993** to give more information.

**Appeal period**

For the purposes of section 146 of the **Building Act 1993**, the prescribed appeal period for an appeal against a determination by the relevant building surveyor under section 87(1) of the **Building Act 1993** is 14 days from the day the owner and the adjoining owner are given notice of the determination.

A determination by the relevant building surveyor under section 87(1) of the **Building Act 1993**, does not take effect until—

(a) the end of the prescribed appeal period of 14 days, if there is no appeal; or

(b) the decision is affirmed on appeal.

*\* Delete if inapplicable*