

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: _____

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.