APPLICATION TO THE BUILDING AND PROPERTY LIST (BUILDING)

VCAT victorian civil & administrative tribunal

Building and Property List
Melbourne VIC 3001
Phone 1300 01 8228
email: civil@vcat.vic.gov.au

PRIVACY STATEMENT

A copy of VCAT's privacy statement is available on the VCAT website – www.vcat.vic.gov.au/privacy

GETTING STARTED

Use this form to apply to VCAT if your claim is about domestic, commercial or other building work, or to apply for a review of a decision of a warranty insurer.

If your claim is about domestic building work and one of the parties to your claim is an owner, you must first refer your dispute to Domestic Building Dispute Resolution Victoria (DBDRV) before you can make a claim to VCAT **unless you are applying for an injunction**.

To apply for a review of a DBDRV decision or review of certain decisions of the Victorian Building Authority (VBA), use the 'Application to the Building and Property List – Review of a Decision' form available on the VCAT website: www.vcat.vic.gov.au/case-types/building-and-construction

WHO CAN MAKE THIS APPLICATION?

Anyone can make an application arising from a building dispute, including owners, builders, sub-contractors, and architects. More information is available on the VCAT website: vcat.vic.gov.au/buildingclaims

FEES

An application fee may apply. To find out about fees go to www.vcat.vic.gov.au/fees

You will be guided through a set of questions that will assist in confirming that this is the correct form for your application. You may be directed to Domestic Building Dispute Resolution Victoria (dbdrv.vic.gov.au) before you can apply to VCAT.

ARE YOU SEEKING AN INJUNCTION OR URGENT HEARING?

Are you seeking an injunction? (An injunction is an order that directs someone to do or not to do something immediately).

☐ No – Go to next question ☐ Yes – Go to **Claim Details** on Page 2.

Are you seeking an urgent hearing?

☐ No – Go to next question ☐ Yes – Provide a reason below, then go to **Claim Details** on Page 2.

CLAIM DETAILS

Is your claim for a monetary amount?

☐ Yes – Enter claim amount

$

☐ No, non monetary

Are you making this application in response to another VCAT application that has been served on you?

☐ No ☐ Yes – Provide VCAT reference number

Is there, or has there been, a related proceeding at VCAT or in a court about the matters in dispute?

☐ No ☐ Yes – Provide VCAT or court reference number

Have you previously made a claim to VCAT about the matters in dispute?

☐ No ☐ Yes – Provide VCAT reference number

What is your claim about?

☐ Commercial building work – Go to **Site Details** on Page 3.

☐ Domestic building work – Go to Domestic Building Work Claims below

DOMESTIC BUILDING WORK CLAIMS



If you reach the end of this 'Domestic Building Work Claims' section and do not tick any boxes then do not continue to complete this form. Please lodge an application to the DBDRV **www.dbdrv.vic.gov.au**

Are you seeking a review of a decision of a warranty insurer?

☐ Yes – Provide details below, then Go to **Site Details** on Page 3 ☐ No – Go to next question

Insurer's reference number Date decision received

Is one of the parties to the dispute an owner?

☐ No – Go to **Site Details** on Page 3 ☐ Yes – Go to next question

Does the work relate to a Single Trade? – Specify the type of work and go to **Site Details** on Page 3

Single trade refers to a dispute between an owner and a single trade engaged by the owner to carry out one only of the following work

☐ attaching external fixtures (including awnings, security screens, insect screens and balustrades)

☐ plumbing work including drainage, fire protection work, gas fitting, irrigation (non-agricultural) work, mechanical services work (heating and cooling), refrigerated air conditioning work, roofing (stormwater) work, sanitary work, gas appliance conversion and servicing work or water supply work (but not work carried out by a gas company or water authority or drainage works by a council)

☐ installing floor coverings

☐ electrical work

☐ glazing

☐ insulating

☐ painting or plastering

☐ wall and floor tiling

☐ erecting a chain wire fence to enclose a tennis court

☐ erecting a mast, pole antenna, aerial or similar structure.

Have you been to DBDRV or Building Advice Conciliation Victoria (BACV)?

☐ Yes – You must attach one of the following before lodging your application:

- ☐ a certificate of conciliation
- ☐ rejection letter from DBDRV
- ☐ a confirmation of complaint letter from BACV
- ☐ a dispute resolution order or
- ☐ a notice of breach of dispute resolution order (if a party has ended a contract as part of the DBDRV process)

SITE DETAILS

If the claim is about more than one contract between an owner and a builder, or properties which are not owned by the same person, separate applications should be completed for each site.

Site address 1

Street address

Suburb/Town | State | Postcode

Site address 2 (if applicable)

Street address

Suburb/Town | State | Postcode

WHO IS MAKING THIS APPLICATION?

The applicant is the person who makes the application. As applicant are you:

☐ Owner ☐ Sub-contractor ☐ Owner-builder ☐ Builder ☐ Architect ☐ Other

If you are an individual:

First name | Last name

Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent? ☐ No ☐ Yes

If you are an individual trading under a business name

Business Name

ABN

If you are a company

Company name | trading as

ACN

What is your address?

Street address

Suburb | State | Postcode

How can VCAT contact you?

Name of contact person

Daytime phone number

Email

We will send all hearing notices and correspondence to this email address, unless a different email address is provided for the parties' representative.

Are you and any other applicants represented by a lawyer or a professional advocate?

☐ No ☐ Yes – complete information below

Name of law firm or professional advocate

Address

Suburb State Postcode

Name of contact person

Phone number

Email

Is there another applicant making this application with you?

☐ No – Go to section **'Who are you making this claim against?'** on Page 5

☐ Yes – Complete section **'Second applicant's details'** below

SECOND APPLICANT'S DETAILS

Tick the box that best describes the second applicant:

☐ Owner ☐ Sub-contractor ☐ Owner-builder ☐ Builder ☐ Architect ☐ Other

If the second applicant is an individual

First name Last name

Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent? ☐ No ☐ Yes

If the second applicant is an individual trading under a business name:

Business Name

ABN

If the second applicant is a company

Company name trading as

ACN

What is the address of the second applicant?

☐ Same as first applicant

Address

Suburb | State | Postcode

How can VCAT contact the second applicant?

☐ Same as first applicant

Name of contact person

Phone number

Email

We will send all hearing notices and correspondence to this email address, unless a different email address is provided for the parties' representative.

If there are more than two applicants, add further pages to the application with details of each of the additional applicants.

WHO ARE YOU MAKING THIS CLAIM AGAINST?

The person you are making the claim against is the respondent

☐ Owner ☐ Sub-contractor ☐ Owner-builder ☐ Builder ☐ Architect ☐ Warranty Insurer ☐ Other

If the respondent is an individual

First name | Last name

If the respondent is an individual trading under a business name

Business Name

ABN

If the respondent is a company

Company name | trading as

ACN

If the respondent is a company, a current Company Extract must be attached to your application for it to proceed. This extract verifies the name, status and registered address for service for the respondent. Without this information we cannot process your application.

You can buy a current Company Extract from the Australian Securities & Investments Commission website asic.gov.au. If you need assistance, call ASIC on 1300 300 630.
Do not provide the free summary information page from the ASIC website. It does not contain the registered address details and VCAT cannot accept it.

☐ I confirm I have a company extract which I will attach to this application

What is the respondent's address and contact details?

If the respondent is an individual - provide an email address and a street address (PO Box is not sufficient)

If a company - provide an email address and the address of the Registered Office (as on the ASIC Company Extract)

Name of contact person

Address

Suburb | State | Postcode

Phone number (if known)

Email

Is the respondent represented by a lawyer or a professional advocate?

☐ Yes – Provide details below ☐ No ☐ Don't know

Name of law firm or professional advocate

Address

Suburb | State | Postcode

Name of contact person

Phone number

Email

Are you claiming against another respondent?

☐ No – Go to **'What orders do you want VCAT to make'** on Page 9

☐ Yes – Complete section **'Second respondent's details'** below

SECOND RESPONDENT'S DETAILS

Tick the box that best describes the second respondent:

☐ Owner ☐ Sub-contractor ☐ Owner-builder ☐ Builder ☐ Architect ☐ Warranty Insurer ☐ Other

If the second respondent is an individual

First name | Last name

If the second respondent is trading under a business name

Business Name

ABN

If the second respondent is a company

Company name | trading as

ACN

If the respondent is a company, a current Company Extract must be attached to your application for it to proceed. This extract verifies the name, status and registered address for service for the respondent. Without this information we cannot process your application.

You can buy a current Company Extract from the Australian Securities & Investments Commission website asic.gov.au. If you need assistance, call ASIC on 1300 300 630.
Do not provide the free summary information page from the ASIC website. It does not contain the registered address details and VCAT cannot accept it.

☐ I confirm I have a company extract which I will attach to this application

What is the second respondent's address and contact details?

▶ If the respondent is an individual - provide an email address and a street address (PO Box is not sufficient)

▶ If a company - provide an email address and the address of the Registered Office (as on the ASIC Company Extract)

Name of contact person

Address

Suburb | State | Postcode

Phone number (if known)

Email

Is the second respondent represented by a lawyer or a professional advocate?

☐ Yes – Complete only if different from first respondent ☐ No ☐ Don't know

Name of law firm or professional advocate

Address

Suburb | State | Postcode

Name of contact person

Phone number

Email

Are you claiming against another respondent?

☐ No – Go to **'What orders do you want VCAT to make'** on Page 9

☐ Yes – Complete section **'Third respondent's details'** below

THIRD RESPONDENT'S DETAILS

Tick the box that best describes the third respondent:

☐ Owner ☐ Sub-contractor ☐ Owner-builder ☐ Builder ☐ Architect ☐ Warranty Insurer ☐ Other

If the third respondent is an individual

First name | Last name

If the third respondent is trading under a business name

Business name

ABN

If the third respondent is a company

Company name | trading as

ACN

If the respondent is a company, a current Company Extract must be attached to your application for it to proceed. This extract verifies the name, status and registered address for service for the respondent. Without this information we cannot process your application.

You can buy a current Company Extract from the Australian Securities & Investments Commission website asic.gov.au. If you need assistance, call ASIC on 1300 300 630.
Do not provide the free summary information page from the ASIC website. It does not contain the registered address details and VCAT cannot accept it.

☐ I confirm I have a company extract which I will attach to this application

What is the third respondent's address and contact details?

▶ If the respondent is an individual - provide an email address and a street address (PO Box is not sufficient)

▶ If a company - provide an email address and the address of the Registered Office (as on the ASIC Company Extract)

Name of contact person

Address

Suburb | State | Postcode

Phone number (if known)

Email

Is the third respondent represented by a lawyer or a professional advocate?

☐ Yes – Complete only if different from first respondent ☐ No ☐ Don't know

Name of law firm or professional advocate

Address

Suburb | State | Postcode

Name of contact person

Phone number

Email

If there are more than three respondents, add further pages to the application with details of each of the additional respondent.

WHAT ORDERS DO YOU WANT VCAT TO MAKE?

- ☐ Payment of money (including damages)
- ☐ Order to comply with a contract (eg: rectification or completion of building work)
- ☐ Vary or cancel a contract
- ☐ Vary or reverse a decision made by a warranty insurer
- ☐ Other

☐ Points of claim attached

HEARING ARRANGEMENTS

Do you or any other person appearing at the hearing need special assistance?

☐ No – Go to **'Required and supporting documents'** on Page 10

☐ Yes – specify what special assistance is needed õŜſ2ø

- ☐ hearing loop
- ☐ interpreter – who needs an interpreter?

First name	Last name

Language/dialect

☐ other (e.g. assisted access) - please specify

If security is required at the hearing, please fill in the security application form.
www.vcat.vic.gov.au/resources/security-request-form

REQUIRED AND SUPPORTING DOCUMENTS

I confirm I have attached the following required documents to the application

- ☐ An ASIC Company Extract (if a respondent is a company)
- ☐ Certificate of conciliation or letter of rejection from DBDRV

OR

- ☐ Confirmation of complaint from BACV
- ☐ Notice of breach of dispute resolution order or copy of dispute resolution order (where contract ended by owner or builder as part of the DBDRV process)

Supporting documentation

- ☐ Schedule of additional applicants or respondents (if applicable)
- ☐ Expert reports (including colour photos)
- ☐ Points of Claim
- ☐ Other supporting documents

If you are posting your application to VCAT

- ☐ An **extra copy** of your application and supporting documents for each respondent is included

ACKNOWLEDGMENT

Name of the person completing this application

First name	Last name

I understand and acknowledge that:

- ☐ to the best of my knowledge, all information provided in this application is true and correct.
- ☐ it is an offence under section 136 of the Victorian Civil and Administrative Tribunal Act 1998 to knowingly give false or misleading information to VCAT.

Date dd / mm / 20yy

HOW CAN YOU LODGE THIS APPLICATION?

By email
civil@vcat.vic.gov.au

By Post
Victorian Civil and Administrative Tribunal
Building and Property List
GPO Box 5408
Melbourne VIC 3001

Note: If you are posting, you must include an **extra copy** of your application and supporting documents for each respondent in the case.

ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate** fees for businesses and companies with a turnover of $300,000 or more in the previous financial year, corporate entities, schools and government agencies
- **standard** fees for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than $300,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession** fees for people who hold an Australian health care card, pensioner concession card or a veteran gold card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, go to vcat.vic.gov.au/fees.

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship.

Visit www.vcat.vic.gov.au for more information about fee relief.

Are you applying for fee relief?

☐ No – complete Fee payment section

☐ Yes – complete Fee relief form and attach it to this application form

FEE PAYMENT

Complete this section unless you are applying for fee relief or no fee is payable. Choose the fee level:

☐ Standard ☐ Corporate ☐ Concession

Fee amount charged: _____

CARD DETAILS

Cards accepted: ☐ VISA ☐ MasterCard

Cardholder name:

Card number:

Card expiry: mm /