

Application – Unit Titles Act 2001

An application for a building damage order made under *Unit Titles Act 2001* (UT Act)

ACAT File Number:

UT

APPLICANT DETAILS

(see attached information on who may file an application).

Applicant/s Name:

Address:

Are you the: **Owner** **Owners Corporation**

Preferred phone number:

Alternate phone number:

Email:

APPLICANT REPRESENTATIVE DETAILS (IF ANY)

(any representative who is not a lawyer should file an *Authority to Act for a Corporation* or *Power of Attorney* providing authorisation to represent the applicant).

Name:

Address:

Preferred phone number:

Alternate phone number:

Email:

RESPONDENT DETAILS

(see attached information on who is the correct respondent. For multiple respondents, attach details on a separate page).

Name:

Address:

Is the respondent the: **Owner** **Owners Corporation** **Insurer** **Director-General**

Preferred phone number:

Alternate phone number:

Email:

What orders or declarations do you seek

(set out each order and for each order refer to the section of the *Unit Titles ACT 2001* under which the order is to be made, e.g. s. 155, 156, 157. Use an attachment if insufficient space).

Reasons for your application

(provide a summary of the reasons you are applying to ACAT (attach page if insufficient space).)

Please indicate that you have attached the following to your application:

- Proposed building damage scheme
- Development approval *or* s.154(4) certificate issued by planning and land authority
- Copy of Minutes recording ordinary resolution (if applicant is Owners Corporation)

The applicant certifies that the respondent's address details provided in this application are the most current available to the applicant and believes that service of documents to this address will most likely result in the respondent receiving them.

**Signature of applicant/
applicant's representative:**

**Name of applicant/
applicant's representative:**

(Any representative who is not a lawyer must be properly Authorised by an Authority to Act for a Corporation or a Power of Attorney)

Date:

INFORMATION ABOUT UNIT TITLES ACT 2001 APPLICATIONS

When is this application form used?

This application form should only be used for an application for a building damage order to be made under the Unit Titles Act 2001 (UT Act). A copy of the UT Act can be found at www.legislation.act.gov.au.

If you are not sure whether you should use this application form please contact the ACAT either in person (at the address below) or by telephone (62071740).

Applicant's and Respondent's details

Under Division 10.3 of the UT Act only the Owners Corporation (authorised by an ordinary resolution) or a unit owner may apply to the ACAT for a provisional building damage order. You should check that you have named all relevant parties as respondents. Section 153 of the UT Act lists the parties that have a right of appearance on an application for a provisional or final building damage order.

Applicant's representative

If the applicant is represented by somebody other than a lawyer, then authorisation in accordance with the ACAT's procedural directions is required. If the application is filed by the representative this authorisation needs to be provided at the time the application is filed. If the applicant is an individual, a *Power of Attorney* will be required. If the applicant is a corporation then an *Authority to Act for a Corporation* should be filed.

Respondent's address

Before filing your application you should ensure that you have provided the correct address for service of each of the respondents. You may need to check the corporate register for the address for service of an individual unit owner, or the Owners Corporation.

Attachments

You must attach to your application copies of all relevant documents. If the applicant is the owners corporation then a copy of the minutes recording the resolution to authorise the application should be filed. Section 154(3) of the UT Act requires that an application be accompanied by the proposed building damage scheme and either a copy of the development approval or a certificate issued under subsection 154(4) by the planning and land authority.

Filing the application

Applications may be lodged in person with the required fee between the hours of 9am and 4.30pm at the ACAT, Level 4, ACT Health Building, 1 Moore Street, Canberra City or by mail to GPO Box 370, Canberra ACT 2601.

Filing Fee

Correct payment must be included with your application. The ACAT accepts cash, cheque and credit card payments over the counter, and bank cheque or credit card payments via post. Information on fees payable is available at: www.acat.act.gov.au.