



Form 40—Notice to contribute for urgent fencing work for a pool barrier

Version 3 - July 2017

This form is made under the *Building Act 1975* section 245XN.

1. From person proposing fencing workⁱ _____

Name

Address

2. To adjoining owner _____

Name

Address

3. Location of pool barrier _____

The pool barrier is not on the common boundary between the above two addresses – describe the common boundary the pool barrier is located on:

4. Options for adjoining owner _____

- **If you agree with the following proposal for contribution**
 - Please complete the attached 'Agreement to contribute to urgent fencing work' form and return a signed copy to me/us within one month after this notice is given to you.
- **If you do not agree with the proposal for contribution**
 - Please let us/me know within one month after this notice is given to youⁱⁱ.

5. Date of urgent fencing work _____

If there is a pool on both sides of the common boundary or only on your neighbour's side at least one month's notice must be given – in all other cases 14 days' notice must be given.

Date

6. Details of the urgent workⁱⁱⁱ _____

Please tick one option

The urgent fencing work involved restoring the dividing fence to a reasonable standard^{iv} using:

the same design, dimensions, materials and colour as the original fence

OR

a different design, dimension, materials and/or colour to the original fence. Please describe the design, dimensions, materials and colour used for the urgent work if different from those of the damaged fence.

7. Other fencing workⁱⁱⁱ

Describe any additional work necessary to complete the urgent fencing – e.g. removing a fallen tree:

8. Justification

Provide reasons for urgent fencing work, including for temporary fencing if applicable.

9. Costs^v

Please tick one option. The receipt/s for the cost of the fencing work is/are attached to this notice.

I/we would like you to bear all costs of the urgent fencing work: \$_____.

OR

I/we would like you to contribute \$_____ and I/we will contribute \$_____.

Signature of sender/s of notice

Signature

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Date

/ /

Signature

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Date

/ /

NOTES: Please keep a copy of this document for your records and make a note of the date that it was provided to your neighbour. Please attach separate sheets if there is insufficient space in this form.

ⁱ Under section 245XK of the *Building Act 1975*, urgent fencing work may be undertaken if all or part of a dividing fence forming part of a pool barrier is damaged or destroyed and urgent fencing work is required.

ⁱⁱ If agreement is not reached within one month after this notice is given, either of the parties involved can apply to the Queensland Civil and Administrative Tribunal (QCAT) for an order about the contributions for the fencing work under section 245XQ of the *Building Act 1975*. Such an application must be made within two months after this notice is given. In considering an application, the Tribunal will apply the rules relating to pool barriers on common boundaries set out in the *Building Act 1975*.

ⁱⁱⁱ Fencing work can involve constructing a new fence, repairing or modifying an existing fence or replacing a fence. It can also include surveying or preparing land, including trimming, lopping or removing vegetation along or on either side of the common boundary of adjoining lands.

^{iv} What is a reasonable standard will depend on the condition of the fence before the damage or destruction.

^v If urgent fencing work has been done by an owner and the adjoining owner is responsible for all or some of the costs of the fencing work under section 245XH of the *Building Act 1975*, the owner can require the adjoining owner to contribute the adjoining owner's share of any reasonable cost incurred for the urgent fencing work by giving a notice to the adjoining owner. Reasonable costs for the work may include the cost of using a temporary fence as part of a pool barrier if the use of the temporary fence was reasonable.