

NORTHERN TERRITORY BUILDING APPEALS BOARD

BUILDING POLICY NO: BAB 007

APPLICATION FOR MODIFICATION PURSUANT TO
SECTION 131 OF THE *BUILDING ACT*

Where the enforcing body of an encumbrance no longer exists:

Where an application pursuant to Building Regulation 11(c) requesting the waiver of a requirement imposed by an encumbrance is supported by evidence indicating that the enforcing body no longer exists (ie. Company Search etc). The Board will advise the applicant that the Registrar General has the power to remove an encumbrance that has no legal effect on the title of their property.

Registrar General refuses to remove the encumbrance:

If the Registrar General refuses to remove the encumbrance from the title then the Building Appeals Board will only consider the application if accompanied by a copy of the encumbrance and legal advice that the encumbrance has no legal effect.

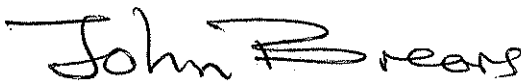
Encumbrance still has legal effect:

In the event that the encumbrance still has legal effect the applicant will provide evidence of contact with all other title holders with the same encumbrance who have been given 28 days to make comment and their views should be taken into consideration before the Building Appeals Board makes a determination. If no response is received from other title holders then the Board may consider that no comments will be forthcoming.

Adopted by the Building Appeals Board on 13 August 2003.

Re-Endorsed by the Building Appeals Board on

2 December 2008



Chairman