

# NOTICE FROM ADJOINING OWNER TO LONG-TERM TENANT

Date of this notice:

Name of person(s) giving notice:

  

Address of person(s) giving notice (for response):

  
  
  

Telephone number of person(s) giving notice:

Email address of person(s) giving notice (if any):

**1. I (the adjoining owner) give this notice to you, the tenant of the property located at (the long-term tenant):**

*[Include description of land e.g. street address, lot number and/or identifying particulars]*

  
  
  

**2. I received a fencing notice, a copy of which is attached, from the notifying owner proposing fencing works and any other associated works\* between my property, described at 1, and the adjoining property, as set out in the fencing notice**

*[Attach a copy of the fencing notice received]*

\* other associated works are called 'subsidiary works' in the *Fences Act 1968* (Vic)

### 3. Estimated cost of the fencing works and any other associated works:\*

As set out in the fencing notice, the estimated cost of the fencing works and any other associated works\* is: [Specify amount estimated in fencing notice]

### 4. Proposed contribution proportion and estimated contribution amount of adjoining owner:

As set out in the fencing notice, it is proposed that: [Specify percentage and amount estimated in fencing notice]

I pay  % estimated to be

### 5. Liability of long-term tenant to contribute:

You are a long-term tenant of my property for the purposes of section 10 of the **Fences Act 1968** and are liable to contribute to the fencing works and any other associated works\* for a sufficient dividing fence.

and complete one option only]

- The unexpired term of your lease is 5 years or more but not more than 10 years. You are liable under section 10 of the **Fences Act 1968** to contribute 50% of my share of the cost of the fencing works and any other associated works,\* estimated to be: [Specify amount based on amount estimated in fencing notice]

- The unexpired term of your lease is more than 10 years. You are liable under section 10 of the **Fences Act 1968** to contribute the entire amount of my share of the cost of the fencing works and any other associated works,\* estimated to be: [Specify amount based on amount estimated in fencing notice]

### 6. Effect of this notice:

By giving you this notice and the attached copy of the fencing notice, I seek your agreement to the fencing works and any other associated works\* set out in the fencing notice (except for any matter relating to the boundary line or line on which it is proposed to carry out the fencing works) and require you to contribute to my share of the cost in the proportion specified in this notice at 5, above.

\* other associated works are called 'subsidiary works' in the *Fences Act 1968* (Vic)

## IMPORTANT INFORMATION ABOUT THIS NOTICE

1. This is a notice under section 15(2)(b) of the **Fences Act 1968**. The adjoining owner\* received the attached fencing notice under section 13 of the **Fences Act 1968**, proposing that fencing works and any subsidiary works<sup>†</sup> should be undertaken for a dividing fence between the adjoining owner's property and the notifying owner's\* property.
2. If, within 30 days from the day the fencing notice was given, the long-term tenant responds to this notice but the long-term tenant and the owners do not agree to one or more of the matters specified in the fencing notice,<sup>‡</sup> the fencing works or any subsidiary works may not proceed and, after the 30 days, the long-term tenant, the adjoining owner or the notifying owner may commence proceedings in the Magistrates' Court for orders about: whether or not a dividing fence is required and whether or not fencing works and any subsidiary works should be carried out; the nature of any fencing works and subsidiary works to be carried out; the nature of the fence that constitutes a sufficient dividing fence; the way in which contributions for the fencing works and any subsidiary works should be apportioned; and other matters.
3. If, within 30 days from the day the fencing notice was given, the long-term tenant has not responded to this notice, the fencing works and any subsidiary works may proceed without the long-term tenant's agreement. The adjoining owner may then seek an order in the Magistrates' Court to recover a contribution from the long-term tenant.

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\* the owner who receives the fencing notice is the adjoining owner (or owners) and the owner who gives the fencing notice is the notifying owner (or owners)

† subsidiary works are other necessary works to allow the fencing works to take place, including design of a dividing fence, preparation/clearing of land, surveying/marketing of common boundary or other proposed line of fence, obtaining approval and using temporary barriers

‡ the long-term tenant's agreement is not required for any matter relating to the common boundary or line of fence