

**SUMMARY OF PROOFS – OWNERS CORPORATION FEE RECOVERY**

 **VCAT reference number OC /20**

|  |  |
| --- | --- |
| **Applicant/s name/s**  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| **Respondent/s name/s (lot owner)**  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| **Address of premises**  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| **Lot number/s**  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |

|  |
| --- |
| **Copies are attached of the following documents:** □ Fee notice/s □ Final fee notice |

|  |  |
| --- | --- |
| **ORDER SOUGHT**  1. $\_\_\_\_\_\_\_\_\_\_ For levies and interest to the date of the final fee notice (\*see page 3 Deductions)
2. $\_\_\_\_\_\_\_\_\_\_ Interest from date of final fee notice

Rate of Interest \_\_\_\_\_\_% p.a. Interest approved by resolution at general meeting □ Yes □ No Date of resolution ;;;;;/…../20…1. $\_\_\_\_\_\_\_\_\_\_ Reasonable costs incurred (other than costs in the proceeding)

(Insert below details of reasonable costs incurred)  1. $\_\_\_\_\_\_\_\_\_\_ Costs in the proceeding (including the application fee)
 |  |

|  |  |
| --- | --- |
| **LOT OWNER** Is the Respondent/s the current registered proprietor of the lots?  | □ Yes □ No  |

|  |  |
| --- | --- |
| **HOW ARE FEES LEVIED**  Annual fees 1. Have the annual fees been struck in accordance with lot liability?
2. Have the annual fees been approved by a resolution at an Annual General Meeting?
 | □ Yes □ No □ Yes □ No |
| Extraordinary Fees □ No Extraordinary Fees1. Have the extraordinary fees been struck:
2. based on lot liability (s 24(4))
3. based on benefit principle (s 24(2A))
4. Have the extraordinary fees been approved by a resolution (s 24)?

If so, date of resolution \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_  | □ Yes □ No □ Yes □ No□ Yes □ No |

|  |
| --- |
| **FEE NOTICE** Dates of fee notice/s \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ Service Date/s of service of fee notice/s \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ By post/email to the following addresses:Is this address recorded in the Owners Corporation Register? □ Yes □ NoIf not sent to the address recorded in the Owners Corporations Register state why:NOTE : you must include copies of all fee notices issued in respect of the total amount claimed. A fee notice which refers only to “balance brought forward” or “prior arrears” or similar, without copies of the prior fee notices relating to the amount of that balance or arrears being the subject of the Statutory Declaration in this Summary of Proofs may be adjourned to a fee recovery hearing.  |

|  |
| --- |
| **FINAL FEE NOTICE** Date of final fee notice/s \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ Service Date \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ By post/email to the following addresses:Is this address recorded in the Owners Corporation Register? □ Yes □ NoIf not sent to the address recorded in the Owners Corporations Register state why:**ITEMS DEDUCTED**If the Fee Notice(s) or Final Fee Notice include any items that are not a fee or charge which the applicant is entitled to levy under ss 23, 23A and 24 of the Owners Corporation Act 2006, these must be deducted from the claim and must not be included in the Orders sought. □ All items that are not a fee or charge that may be levied under ss 23, 23A or 24 of the *Owners Corporations Act 2006* have been deducted from the claim.The amounts deducted from the Fee Notice(s) and or Final Fee Notice are as follows: |

|  |
| --- |
| **DETAILS OF REASONABLE COSTS INCURRED BY THE OWNERS CORPORATION WHICH YOU ARE CLAIMING**1. How were the costs incurred by the owners corporation? (Please include dates, amounts and nature of costs.)
2. Why do you claim the costs are reasonable?

□ Evidence of reasonable costs incurred is attached ( please note that a line item in a fee notice is not sufficient evidence of costs incurred) |

|  |
| --- |
| **SERVICE OF APPLICATION**Who served the application: □ VCAT □ ApplicantIf served by the applicant, how it was served By post/email to the following addresses:On \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ Is this the address on the Owners Corporation Register? □ Yes □ NoIf not sent to the address recorded in the Owners Corporations Register state why: |

|  |  |  |  |
| --- | --- | --- | --- |
| **STATUTORY DECLARATION** I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name*) (*business address*) make the following statutory declaration under the **Oaths and Affirmations Act 2018:** 1. I am the Owners Corporation manager/agent/legal practitioner for the Applicant/s.
2. I have reviewed the applicant’s records in order to prepare this Summary of Proofs.
3. The contents of the Summary of Proofs are true and correct.

|  |
| --- |
| **I declare that the contents of this statutory declaration are true and correct and I make it** **knowing that making a statutory declaration that I know to be untrue is an offence.**  |

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*signature*)

|  |
| --- |
| **\* in the state of Victoria**  |

|  |
| --- |
|  **Declared**  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ □ **This statutory declaration was witnessed using an audio visual link. I confirm that all of the requirements set out in s 12(2) of the *Electronic Transactions (Victoria) Act 2000* have been met.**□ **I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*signature*) on \_\_\_\_\_ / \_\_\_\_\_\_ / 20\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (*address*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (*occupation*)A person authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration. **NOTE**: It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to the Tribunal. |