

# Media Release

For immediate industry release

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## Use caution when building to the boundary

The Victorian Building Authority is encouraging anyone planning to build on the boundary of a property to make sure they accurately identify the title boundary line to avoid encroaching on an adjacent property.

The VBA's Chief Executive Officer, Prue Digby, said any encroachment may be considered a trespass of land.

"Encroachment could result in the adjacent land owner taking the property owner to court to seek to have the encroachment removed," Ms Digby said.

There appears to be some confusion around this matter, with some people thinking that Section 272 of the *Property Law Act 1958* allows for a 50mm or 1/500 tolerance (depending on the boundary length) for buildings to encroach over the title boundary.

This legislation is aimed at limiting minor boundary discrepancy claims related to the sale of land, and only provides for a margin of error for dimensions appearing on title documentation, such as a plan of subdivision. It does not allow for a margin of error for site boundary dimensions determined from 'on-ground' measurements.

"Given the potential outcomes of an encroachment over the title boundary, the VBA recommends getting a licensed land surveyor to carry out a re-establishment survey before beginning any building work on the boundary," Ms Digby said.

ENDS

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