



Application to Change Rating Category from 4 to 1

Owner-occupied multi-residential (single family) premises

Please read and fill in the following criteria carefully!

Applications lodged which indicate ineligibility will **NOT** be considered.

General information/Purpose

From 1 July 2010, residential owners who have no more than two self-contained dwellings on a single rateable assessment have the opportunity to apply to be included in the owner-occupied residential differential rating category.

Previously, properties of this kind could fall under two classifications. Those with a complying granny flat were included in Category 1 provided they were also owner occupied while the rest were considered to be multi-residential and included in Category 4.

This change eliminates this distinction provided the property complies with certain eligibility criteria.

Eligibility

For a property to be regarded for rating purposes as an "owner-occupied multi-residential (single family)" premises it must comply with the following;

1. The property must be held in private ownership.

Under the definitions contained in the Resolution of Rates and Charges, private ownership is defined as;

...land, the certificate of title of which is in the name of an individual or more than one individual and excludes land owned or partially owned by companies, trusts, organisations or any other entity other than an individual. This is regardless of whether the land is occupied as a residence by an owner or even the sole owner of that company, trust, organisation or entity.

Council may conduct a search of the land title to confirm this criterion is met.

2. The property must lawfully contain not more than two single unit dwellings, one of which is the principal place of residence of the owner and the other is occupied by a family member/s of the owner.

This means that no more than two dwellings can exist on the property and the existence of two dwellings is a lawful use of the property. Confirmation of planning approval for two dwellings will be obtained.

Properties making application for which the use is found to be unlawful may be subject to compliance rectification and will not be eligible for inclusion into Category 1 until such time as the activity can be deemed lawful.

3. The secondary dwelling house/unit is not subject to a residential tenancy agreement between the owner and the family member occupant/s.

Tenancy agreements indicate a commercial relationship which is contrary to the spirit of these provisions.

Council may query the State Government's Residential Tenancies Authority to confirm the property complies with this criterion.

4. Entry into this definition is restricted to properties where the secondary dwelling house/unit is occupied by a family member of the owner.

For the purposes of this definition, family members are deemed to include a;

- child (including grandchild),
- parent (including grandparent),
- sibling or,
- spouse of the owner.

Application

The completed application form must be signed, witnessed and submitted to:

Attention: Business Manager Rates Processing
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Once this application is received Council will determine eligibility by examining the information provided and by conducting appropriate searches, which may include a site inspection.

Applications need only be lodged once. Continued compliance will be established by regular searches and/or inspections.

Further information may be obtained by telephoning the **Council's Contact Centre on 3403 8888, or Brisbane City Council TTY 3403 8422.** Application forms are available from www.brisbane.qld.gov.au.

Commencement date

Where a properly made application is;

- a. received prior to the end of the rating quarter, and
- b. found to meet the eligibility criteria,

any resulting change in categorisation for rating purposes will be made effective from the start of the rating quarter in which the application has been received.

Compliance

To ensure continued compliance with the eligibility criteria, Council reserves the right to re-validate by means of searches and/or inspections. The owner authorises Council to conduct inspections of the property with a minimum of 48 hours prior notice.

Discovery of non-compliance/Reversal of categorisation

Where Council discovers a property included in the definition of "owner-occupied multi-residential (single family)" no longer meets the eligibility criteria, the owner will be notified in writing that the property has been deemed ineligible and that, failing evidence to the contrary, the property will be re-assessed for rating as multi-residential from the date of non-compliance.

Causes of non-compliance may be as follows;

- a. registration of a residential tenancy agreement over the secondary residence, or
- b. inspection reveals occupant of secondary residence no longer meets the definition of "family member", or
- c. the number of non-related residents exceed the occupancy standards set under acceptable solution A8 of section 4.1, part 2 - House Code, chapter 5 of City Plan 2000.

In the case of a change of ownership, the property will revert to its former categorisation from the date of transfer.

Review of guidelines

These guidelines will be reviewed as necessary to ensure desired outcomes continue to be met. Any changes to these guidelines will affect all properties considered under prior versions and owners may be required to reapply.

1 Is the property held in private ownership?
No **You are ineligible to be considered for Category 1**

Yes *Go to next question*

2 Is there a current registered tenancy agreement in place with the State Government's Residential Tenancies Authority?

No *Go to next question*

Yes **You are ineligible to be considered for Category 1**

3 Do you have planning approval from Brisbane City Council for the second dwelling house/unit?

No **You are ineligible to be considered for Category 1**

Unknown **Confirmation of planning approval will be required before you can be considered eligible.**

Yes Approval date

/ /

Reference number

4 What is the nature of the second self contained residence?

Tick ONE only

Detached dwelling

Unit/Flat

Other Specify

5 Rate Account Number

6 Property address

Postcode

7 Owner's details

Owner's full name

Postal address

Postcode

Phone number

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Mobile phone number

8 What is the relationship of the residents of the second dwelling house/unit to the owner/s?

Child
(including grandchild)

Parent
(including grandparent)

Sibling

Spouse

Other Specify (You may not be eligible to be considered for Category 1)

9 Declaration and Statement

I declare that the information provided in support of this application for inclusion into Differential Rating Category 1 is complete and correct and that I am the owner or the authorised representative to make this application.

I authorise Brisbane City Council access to whatever relevant information that may be required to support or verify the application, or for ongoing eligibility. This may include accessing data from the Residential Tenancies Authority.

I agree to the Privacy Statement below.

The personal information collected on this form will be used by Brisbane City Council for the purposes of identifying the correct rating of your property. This information is required under Part 13 of the City of Brisbane (Finance, Plans and Reporting) Regulation 2010. Your details may be provided to the Land Court or other courts (in the event you appeal Council's decision). Your personal information may also be used by other areas of Council to undertake various Council functions and to provide services to you.

Name

Signature

Date

/ /

Signed at

Before me (Justice of the Peace/Commissioner for Declarations)