|  |
| --- |
| Warning as to Dimensions – Removal Section 26P(1) Checklist |
| Section 26P(1) *Transfer of Land Act 1958* |

✓ TICK WHERE APPLICABLE or X CROSS WHERE NOT APPLICABLE

### Application

Form TLA26P(1) – Warning as to Dimensions on title - Removal

Certificate of title(s), Vol. ……Fol. …….

Description of amendment (e.g. To accord with the land shown on Plan of Survey by Joe Bloggs, Licensed Surveyor, dated 01/01/2022).

Full name and address of applicant(s), including postcode.

Additional land (where applied for) referenced by Plan of Survey.

SPEAR reference (for digital lodgement of survey documents) is shown on the TLA26P(1) form.

Signed and dated by applicant(s), agent or Australian Legal Practitioner.

### Consents (if applicable)

 Caveator Lessees Sub-lessees etc.

### Certificate of Title (if applicable)

 Certificate of title is subject to a valid Warning as to Dimensions i.e. Warning as to dimensions was originally

 recorded on the folio or parent folios less than 15 years ago.

 Nominated Supplied Leader

### Survey-based

Plan of Survey signed and dated by Licensed Surveyor.

Abstract of Field Records, each sheet signed and dated by a Licensed Surveyor.

Surveyor’s Report signed and dated by Licensed Surveyor.

All survey documents no more than two years old.

The status of any additional land included in a Section 26P application will dictate what evidence is required.
The survey documents should identify this status(es) of any additional land(s) and hence one or more of the following components may be applicable.

✓ TICK WHERE APPLICABLE or X CROSS WHERE **NOT** APPLICABLE

 **Section 99 (bona fide)** component

#### Supporting evidence

When attesting to bona fide occupation (See *Section 99 Transfer of Land 1958*).

Statutory declaration(s) by applicant(s).

Statutory declarations from 2 disinterested witnesses.

Overlap Diagram.

 **Section 60 (possessory)** component

 Supporting evidence

When claiming additional *Transfer of Land Act 1958* land by adverse possession (see Adverse Possession – Section 60 Checklist and Guide)

Statutory declaration(s) from applicant(s) on Section 60 statutory declaration proforma.

Statutory declaration(s) from disinterested witness(es) (if applicable) on Section 60 statutory declaration proforma.

Statutory declaration(s) by prior possessor(s) (if applicable) on Section 60 statutory declaration proforma.

Statutory declaration from the applicant’s legal practitioner on Section 60 statutory declaration proforma

Deeds of assignment from prior possessor(s) to accumulate 15 years or more possession.

Claimed land separately identified by thick continuous lines on Plan of Survey.

✓ TICK WHERE APPLICABLE or X CROSS WHERE **NOT** APPLICABLE

 **Section 15 (possessory)** component

####  Supporting Evidence

When claiming additional General law land by adverse possession
(see General Law Conversion - Section 15 Checklist)

Australian Legal Practitioners Certificate in accordance with Schedule 5A Transfer of Land Act 1958 (Possessory title).

An up-to-date search of title under Section 26J Transfer of Land Act 1958

Statutory declaration(s) from applicant(s).

Statutory declaration(s) from disinterested witness(es).

Stamped Deeds of Possessory Rights (when applicant has less than 15 years in their own right).

#### Fees

Land Use Victoria fees are payable at lodgement (see ‘Contact us’ below for details of where to lodge).

d

Acceptable payment methods and lodgement fees are available on the [Forms, guides and fees](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/overview) page at www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees.

#### Signatures

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_

Name (current practitioner): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or

Name (applicant): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Telephone\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### Contact us

To lodge at Land Use Victoria and for [location and contact details](https://www.propertyandlandtitles.vic.gov.au/contact-us), see [www.propertyandlandtitles.vic.gov.au/contact-us](http://www.propertyandlandtitles.vic.gov.au/contact-us).

|  |  |
| --- | --- |
| © The State of Victoria Department of Environment, Land, Water and Planning 2023LogoThis work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0/ DisclaimerThis publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication. | AccessibilityIf you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au). This document is also available on the internet at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au).  |