



Boarding House Financial Assistance Program Application

Office use only - APPLICATION No

All information on this form will be treated as confidential. However, information will be verified with other authorities Applicant: Please complete all details and submit this form with supporting documentation and declaration to the council for final confirmation and authorisation. Council. Please forward the completed form and documentation to: The Boarding House Fire Assistance Program Housing Strategy, Housing NSW, Locked Bag 4001, Ashfield, BC 1800 Phone: 8753 8000, Fax: 8753 8488

SECTION 9. Deed of Agreement

Please complete this section ONLY if you are constructing a new boarding house. See the 'Information to help you complete this form' information sheet for assistance.

THIS DEED is made on the day of 200

BETWEEN: **DIRECTOR-GENERAL OF HOUSING NSW** of 223-239 Liverpool Road, Ashfield, NSW 2131 ("Housing NSW")

AND: **THE PERSON/S SET OUT IN ITEM 1 OF THE SCHEDULE** ("the Applicant")

RECITALS

- A. The Applicant is the owner of the property set out in Item 2 of the Schedule ("the Property").
- B. The Applicant proposes to construct a new boarding house on the Property ("the Applicant's Boarding House").
- C. The Applicant has applied to Housing NSW ("the Application") for financial assistance ("the Financial Assistance") under the Boarding House Financial Assistance Program ("BHFAP") to carry out essential fire safety works to the Applicant's Boarding House.
- D. In support of the Application, the Applicant makes the warranty to Housing NSW as set out in this Deed ("the Warranty") and the Applicant acknowledges that Housing NSW is relying on the Warranty in considering the Application.

THIS DEED WITNESSES:

1. **DEFINITIONS**

In this Deed:

- (1) terms defined in the Recitals of this Deed shall have such defined meanings; and
- (2) unless the context clearly indicates otherwise the following terms shall mean:

Address for Service means the address of each party appearing in this Deed or any other address nominated by any party and notified in writing to all other parties as its new Address for Service.

Applicant's Boarding House means the boarding house to be constructed by the Applicant on the Property.

BHFAPG means the Boarding House Financial Assistance Program Guidelines as issued by Housing NSW from time to time.

Boarding House has the same meaning as defined in the BHFAPG.

Business Day means any day that is not a Saturday, Sunday, gazetted public holiday or bank holiday in Sydney, NSW and concludes at 5 p.m. on that day.

Deed means this Deed.

Long term, low-cost rental accommodation has the same meaning as defined in the BHFAPG.

Schedule means the Schedule set out in this Deed.

2. ACKNOWLEDGEMENT OF RECEIPT OF BHFAPG

2.1 The Applicant acknowledges that it has received, read and understood a copy of the BHFAPG.

3. WARRANTY

3.1 The Applicant warrants to Housing NSW that the Applicant's Boarding House will be used solely for Long term, low cost accommodation for a period of 12 months commencing from the date on which:

- (1) the Financial Assistance is paid to the Applicant; or
- (2) the Applicant's Boarding House is ready for lawful occupation

whichever is the later.

3.2 If the Warranty set out in clause 3.1 is breached howsoever occurring:

- (1) Housing NSW may demand by notice in writing that the Applicant immediately repay all the Financial Assistance paid to the Applicant to date and the Applicant shall immediately repay to Housing NSW all such Financial Assistance; and
- (2) the Applicant's entitlement to any further Financial Assistance shall without further notice terminate immediately.

3.3 Housing NSW shall without restriction be entitled to pursue all of its legal rights and entitlements against the Applicant arising from the breach of Warranty.

4 NOTICES

4.1 Any notice to be given by Housing NSW to the Applicant under clause 2.2 or any other communication ("Notice") to be given under this Deed by either party must be in writing and must be given to the recipient at its Address for Service by being:

- (1) hand delivered;
- (2) sent by facsimile transmission; or
- (3) sent by prepaid ordinary mail within Australia.

4.2 A Notice is given pursuant to this Deed if :

- (1) hand delivered, on the date of delivery;
- (2) sent by facsimile transmission during any Business Day, on the date that the sending party's facsimile machine records that the facsimile has been successfully transmitted; or
- (3) sent by prepaid ordinary mail within Australia, on the date that is 2 Business Days after the date of posting.

SCHEDULE

Item 1 **Name/s:**
("the Applicant") **Address:**

Item 2 **Address:**
("the Property") **Title Reference:**

EXECUTED as a deed.

Signed by the Director-General of)
Housing NSW or Delegate:)

Applicant - Company

Signed for and on behalf of the Applicant)
in accordance with its Constitution)

by:) Director
Name:

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Director/Secretary
Name:

Applicant - Person

Signed by the Applicant)
in the presence of:)

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