

Resource Consents Unit

Request for an encumbrance - Family flat

Submit your request form online at: onlineservices.ccc.govt.nz; or
 Email to: resourceconsentapplications@ccc.govt.nz if it is not being submitted with a resource consent application; or
 Deliver to: Resource Consents Unit, Christchurch City Council, 53 Hereford Street, Christchurch; or
 Send to: Resource Consents Unit, Christchurch City Council, PO Box 73013, Christchurch Mail Centre, Christchurch 8154.
 For enquiries phone: (03) 941 8999

Where the Christchurch District Plan rules or conditions of a resource consent relating to a family flat require an applicant to enter into a legal instrument, the following will, in general, be the form of that instrument:

THAT the applicant shall enter into a covenant pursuant to Section 116(1)(a) and (b) of the Land Transfer Act 2017 to be registered against the title for the applicant's land.

- (a) *The instrument shall record in appropriate detail (to be specified by the Council) all those acts required by the Council to be performed by the applicant to render compliance in terms of the Christchurch District Plan.*
- (b) *The instrument shall be prepared by the Council's Solicitors and shall contain inter alia provisions to the following effect:*
 - (i) *The owner will ensure that the family flat will be occupied only by family member(s) who are dependent in some way on the household living in the residential unit on the site.*
 - (ii) *The owner will:*
 - A. *remove the family flat from the property when it is no longer required for the housing of a dependent family member of the household living in the residential unit on the site; or*
 - B. *remove the kitchen in the family flat when the family flat is no longer required for the housing of a dependent family member of the household living in the residential unit on the site; or*
 - C. *obtain a resource consent allowing occupation of the family flat by persons other than a dependent family member of the household living in the residential unit on the site.*
 - (iii) *The owner will perform the obligations stated in the instrument to the satisfaction of the Council within the time stated.*
 - (iv) *Where there is more than one owner, the instrument shall bind each and every owner jointly and severally.*
 - (v) *Upon registration in the Land Transfer Office, the instrument shall be binding upon the owner and the owner's successors in title.*
 - (vi) *The Council's legal costs of preparation, execution and registration of the instrument and any subsequent enforcement action necessary shall be borne by the owner.*

Before the Council's solicitors can proceed to prepare such an instrument, you must request the Council to instruct its solicitors accordingly. Please provide the details required and sign the following clause and return this form to the Council. The Council's solicitors will then prepare the covenant and forward it to your solicitors to review and arrange signing of the covenant by you.

"The owner(s) has/have read, understood and accept the Council's covenant requirements and ask the Council to instruct its solicitors to prepare the document in accordance with the above requirements".

Signed: Signed:

Full Name: Full Name:

Date: Date:

Full names of all of the registered owners of the property, including any joint owners.

Owner or owner's agent contact details:

Name:

Company:

Mailing Address:

.....

Phone (*Landline*): Mobile:.....

Fax: Email:

Address of property on which the family flat is to be located:

Street Address:

.....

Legal Description: Lot:..... DP: CT:

Owner's solicitor:

Name:

Firm the Solicitor works for:

Address:

.....

Phone (*Landline*): Mobile:.....

Fax: Email: