

# Request for encumbrance: Family flat

Submit this form online at: [onlineservices.ccc.govt.nz](https://onlineservices.ccc.govt.nz); or

Email to: [resourceconsentapplications@ccc.govt.nz](mailto:resourceconsentapplications@ccc.govt.nz); or

Deliver to: Resource Consents Unit, Christchurch City Council, 53 Hereford Street, Christchurch; or

Send to: Resource Consents Unit, Christchurch City Council, PO Box 73014, Christchurch Mail Centre, Christchurch, 8154

For enquiries phone: (03) 941 8999 or email [DutyPlanner@ccc.govt.nz](mailto:DutyPlanner@ccc.govt.nz)

## About this form

This form should be used where the owner of a property is required to enter into an encumbrance (covenant) for a family flat, in accordance with the rules in the Christchurch District Plan or the conditions of a resource consent.

A [fee](#) is payable when this form is submitted. We will send you an invoice with information about payment methods.

## 1. Encumbrance details

Where the Christchurch District Plan rules relating to a family flat require an applicant to enter into a legal instrument, the form of that instrument will generally be as follows:

*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.*

## 2. Encumbrance request

Before the Council's solicitors can prepare the legal instrument, you must request the Council to instruct its solicitors accordingly. Please sign the following clause, provide the details required, 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 requirements and ask the Council to instruct its solicitors to prepare the document in accordance with the above requirements.**

Full names and signatures of all registered owners of the property, including any joint owners: *(Attach an additional page if necessary)*

<b>Signature:</b>		<b>Signature:</b>	
Full name:		Full name:	
Date:		Date:	

### 3. Property details

Address (including unit number):

Legal description:

Title number:

### 4. Owner's contact details:

Full name (including middle name):

**OR**

Registered Company / Trust /  
Organisation name:

Contact person / Trustee names:

Landline:

Mobile :

Email:

Postal Address:

### 5. Owner's solicitor:

Name:

Name of firm:

Landline:

Mobile :

Email:

Postal Address:

### 6. Invoicing details:

The invoice for the processing fee to be made out to:

Owner

Solicitor

Other (specify below)

Other name:

Email:

Postal Address:

### 7. Privacy information

The information on this form is required for the Council to process your request. All information submitted is required to be kept available for public record, therefore the public (including business organisations, media and other units of the Council) may view this application, once submitted. It may also be made available to the public on the Council's website. If there is sensitive information in your request please let us know.

The Council is subject to the Privacy Act 1993. For a full privacy statement see: <https://ccc.govt.nz/the-council/how-the-council-works/privacy-statement/>. If you would like to request access to, or correction of, your details, please contact us.