

# Request for encumbrance: Older persons' housing units

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 older persons' housing units (OPH units), 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 "older persons' housing units" 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 units to be erected on the land shall only be occupied by an older person. The District Plan defines "older person" as: a person over the age of 60 years or a person who qualifies for a supported living payment on health grounds. It includes the partner, spouse, dependants or caregiver of such a person, notwithstanding that the partner, spouse, dependants or caregiver may be under the age of 60 years.*
  - (ii) *Where there is more than one owner, the instrument shall bind each and every owner jointly and severally.*
  - (iii) *Upon registration in the Land Transfer Office, the instrument shall be binding upon the owner and the owner's successors in title.*
  - (iv) *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 :	<input type="text"/>
Legal description:	<input type="text"/>
Title number:	<input type="text"/>

### 4. Owner's contact details:

Full name (including middle name):	<input type="text"/>		
<b>OR</b>			
Registered Company / Trust / Organisation name:	<input type="text"/>		
Contact person / Trustee names:	<input type="text"/>		
Landline:	<input type="text"/>	Mobile :	<input type="text"/>
Email:	<input type="text"/>		
Postal Address:	<input type="text"/>		

### 5. Owner's solicitor:

Name:	<input type="text"/>		
Name of firm:	<input type="text"/>		
Landline:	<input type="text"/>	Mobile :	<input type="text"/>
Email:	<input type="text"/>		
Postal Address:	<input type="text"/>		

### 6. Invoicing details:

The invoice for the processing fee to be made out to:	<input type="checkbox"/> Owner	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Other (specify below)
Other name:	<input type="text"/>		
Email:	<input type="text"/>		
Postal Address:	<input type="text"/>		

### 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.