

9. **POSTPONED RATES - W J C & W VAN LOENHOUT, 10A TORRENS ROAD - REQUEST FOR CONSENT TO TRANSMISSION BY SURVIVORSHIP**

RR 8143

Officer responsible Funds Manager	Author Wayne Hann
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The purpose of this report is to obtain Council consent under the provisions of Section 162 (4) of the Rating Powers Act 1988 to register a transmission by survivorship from husband to wife of the house property situated at 10A Torrens Road where rates have been postponed under the provisions of Section 178 of the Act and where a Statutory Land Charge has been registered against the Certificate of Title to the property. Rates postponed, pursuant to the Act, as at 30 June 1998 stood at \$4,472.15.

Anthony Harper, Barristers and Solicitors, advise that their office is acting in the estate of the late Mr Van Loenhout who passed away on 4 February 1998. The solicitors wish to register a transmission by survivorship from husband to wife of the house property. Section 162 (4) of the Act provides that except with the consent of the local authority, no dealing with the land by the occupier shall be registered while any charge under the Section is registered against the land.

The registration of the transmission into Mrs Van Loenhout's name will not in any way affect the Council's interest as the charge holder under the statutory land charge, rates secured by the charge being a first call on the proceeds of the sale of the property.

At the meeting the need for the Council to consent to the registration of the transmission was questioned and the report was referred back to the staff for clarification. The Legal Services Manager confirms that Council consent is required in terms of section 164 of the Rating Powers Act 1988.

Recommendation: That the Council's consent to the registration of the transmission by survivorship be granted.