

**6. POSTPONED RATES - JOSEPH H BRIZELL (DECEASED) AND RR 9971
LYDIE DESIREE BRIZELL, 230 CONDELL AVENUE -
REQUEST FOR CONSENT TO TRANSMISSION BY SURVIVORSHIP**

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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 the registration of a transmission by survivorship in respect of the property situated at 230 Condell Avenue.

BACKGROUND

The payment of rates in respect of the above property was postponed by the Council under the provisions of Section 178 of the Act on the grounds of financial hardship on 15 September 1986. A Statutory Land Charge has been registered against the Certificate of Title to the property securing the postponed rates and in effect protecting the Council's interest. Rates postponed, pursuant to the Act, as at 30 June 1999 will stand at \$15,116.

PRESENT SITUATION

The Public Trust Office advises that their office is acting in the estate of the late Mr Brizell who passed away on 12 January 1992. The Public Trust wishes to register a transmission by survivorship to Mrs Brizell. 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 Brizell'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.

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