

Update  
Hinde McMorland & Sim  
LAND LAW  
in New Zealand

**Service 78 — June 2020**

**Commentary**

Commentary has been updated in the following areas:

**Chapter 10 Caveats**

- Interests that will or may support a caveat: see [10.009].
- Notices of claim under the Property (Relationships) Act 1976: see [10.011].
- Principles applied by the Court on applications for the removal or extension of caveats: see [10.020].

**Chapter 11 Leasehold Estates**

- Cancellation for breach of the covenant to pay rent: see [11.236].

**Chapter 12 Residential Tenancies and Dwellinghouses**

- The control of residential tenancies: see [12.001].
- Rent control: see [12.010].
- Rights and obligations of the landlord: see [12.012].
- Rights and obligations of the tenant: see [12.013].
- Responsibility for damage: see [12.013A].
- Enforcement of rights: see [12.014].
- How residential tenancies are normally terminated: see [12.015].
- Special provisions during Covid-19: see [12.015A].
- Termination by notice: see [12.016].
- Termination by order of the Tenancy Tribunal: see [12.017].
- Eviction of squatters: see [12.021].
- Constitution and jurisdiction of the Tenancy Tribunal: see [12.022].
- Special provisions as to Tribunal proceedings during Covid-19: see [12.022A].
- Boarding House Rights and Obligations: see [12.034].

**Chapter 16 Easements and Profits**

- An easement must accommodate benefited land if there is any: see [16.004].
- The right must be capable of being the subject-matter of a grant: see [16.006].
- Licences: see [16.009].
- General principles of interpretation: see [16.037].
- Who may use a right of way: see [16.048].
- What amounts to a disturbance of an easement: see [16.087].

- Remedies for disturbance of an easement: see [16.088].

### **Chapter 17 Covenants Affecting Freehold Land**

- The origins of negative covenants as interests in land: see [17.012].
- The jurisdiction of the Court: see [17.038].
- Ground: change of circumstance since the creation of the easement or covenant: see [17.039].
- Ground: continued existence would impede user in a different manner from that foreseen at the time of creation: see [17.040].
- Ground: no substantial injury to benefited owner: see [17.042].
- Ground: in the case of a covenant, the covenant is contrary to public policy or to any enactment or rule of law: see [17.043].
- Ground: in the case of a covenant, for any other reason it is just and equitable to modify or extinguish the covenant wholly or in part: see [17.044].
- Ground: in the case of a covenant in gross, the covenantee cannot be found after reasonable inquiries have been made: see [17.045].
- Exercise of discretion: see [17.046].
- Equitable remedies for breach of negative or positive covenants: see [17.052].

### **Chapter 18 Licences**

- Bare licence: see [18.004].
- Contractual licence: see [18.005].
- Termination of a bare licence by the licensor: see [18.015].
- Revocable contractual licences: see [18.017].

## **Legislation**

### **Property Law Act 2007**

The Property Law Act 2007 has been amended by the sch 14 of the COVID-19 Response (Further Management Measures) Legislation Act 2020, effective 16 May 2020.