

YEAR 1: COURSE 4 – LAND LAW

Prescription Title:	Land Law
Prescription Number:	DC504
Level:	5
Credits:	20
Version:	1
Introduced:	2008
Hours:	Total 200
Prerequisites	Nil

AIM / PURPOSE

The purpose of this course is to ensure that students develop their knowledge in property law principles including land title systems, landlord and tenant, easements, covenants, mortgages, together with encumbrances that run with the land. Students will also develop their skills that relate to the analysis and investigation of titles.

DESIRED OUTCOMES

- a. To be able to distinguish between real and personal property.
- b. Understand the various types of land title systems including Torrens Title and Māori general and customary land.
- c. Perform title and other searches and enquiries required to be made and the matters to be considered in respect of title to property.
- d. Examine the various methods of holding an interest in real property and recognize the main estates in land.
- e. Classify and identify the relevant law in relation to residential tenancies and commercial leases.
- f. Describe and explain the nature and characteristics of all mortgages of land including commercial and rural mortgages under the title system with reference to the relevant statutory provisions.
- g. Define and explain an easement and profit a prendre under the title system with reference to all relevant statutory provisions.
- h. Describe and explain covenants and restrictions as to use in respect of land under the title system with reference to all relevant statutory provisions.
- i. Identify different types of multi-unit ownership

LEARNING OUTCOME 1

Students will be able to distinguish between real and personal property.

- 1.1 Explain the meaning of the word 'Property'
- 1.2 Demonstrate the difference between Real and Personal Property.

LEARNING OUTCOME 2

Understand the various types of land title including the Torrens System and Māori general and customary land.

- 2.1 Explain the operation of the Torrens System
- 2.2 Describe the creation of the register and its function
- 2.3 Explain the process by which a document presented for registration obtains priority (with reference to electronic dealings)
- 2.4 Discuss the rules of legal and equitable priorities
- 2.5 Explain the concept of indefeasibility of title
- 2.6 Explain the system of land ownership applied to Māori general and customary land

LEARNING OUTCOME 3

Students will be able to perform title and other searches and enquiries required to be made and the matters to be considered in respect of title to property.

- 3.1 Demonstrate how a search of a certificate of title and other relevant searches are undertaken.
- 3.2 Show how an instrument registered on the Certificate of Title may be accessed.
- 3.3 Demonstrate how to read a Certificate of Title and explain the meaning of all relevant notations contained on the title.

LEARNING OUTCOME 4

Examine the various methods of holding an interest in real property and recognize the main estates in land.

- 4.1 Explain the meaning and rules for the creation of a Sole proprietor, Joint Tenancy, Tenants in Common and the effect of the doctrine of survivorship.
- 4.2 Show how a joint tenancy and a tenancy in common may be severed both at law and in equity.
- 4.3 Define Fee Simple and Life Estates.
- 4.4 Explain the types of future estates and how they may be created.

LEARNING OUTCOME 5

Students will be able to classify and identify the relevant law in relation to residential tenancies and commercial leases.

- 5.1 Explain the contractual nature of a lease between Lessor and Lessee and how the agreement creates an interest in land.
- 5.2 Describe the essential elements of a lease.
- 5.3 Describe the types of tenancies that can exist at common law.
- 5.4 Explain how legislation has affected residential leases and commercial leases.
- 5.5 Describe common features and common terms contained in residential leases and in commercial leases.
- 5.6 Describe special features and special terms contained in residential leases and in commercial leases when dealing with Maori land

LEARNING OUTCOME 6

Describe and explain the nature and characteristics of all mortgages of land including commercial and rural mortgages under the title system with reference to the relevant statutory provisions.

- 6.1 Explain Legal and equitable mortgages.
- 6.2 Explain the rights and obligations of the mortgagee and mortgagor.
- 6.3 Discuss legal capacity to enter into a mortgage.
- 6.4 Describe the priorities of mortgages and how they are varied.
- 6.5 Discuss the available remedies of a mortgagee and the legislative procedures that must be complied with.
- 6.6 Consider the impact of legislation on mortgages including the Land Transfer Act 1952 and the Property Law Act 2007.

LEARNING OUTCOME 7

Define and explain an easement and profit a prendre under the title system with reference to all relevant statutory provisions.

- 7.1 Define an Easement and set out the necessary elements for the creation of a valid easement.
- 7.2 Discuss how an easement may be created, varied and extinguished and the importance of this being recorded on the register.
- 7.3 Discuss the relevant legislation that governs easements.
- 7.4 Define a profit a prendre.

7.5 Discuss legislation that is relevant to profit a prendre.

LEARNING OUTCOME 8

Describe and explain covenants and restrictions to land under the title system with reference to all relevant statutory provisions.

8.1 Define covenants and discuss typical restrictions that these may contain.

8.2 Discuss the importance of these being recorded on the register.

8.3 Discuss legislation that is relevant to Covenants.

8.4 Define a caveat and discuss how these may be used to protect equitable interests in real property.

LEARNING OUTCOME 9

Identify different types of multi-unit ownership.

9.1 Describe different types of multi-unit ownership schemes.

9.2 Describe how these are created.

9.3 Describe the main features of these different schemes and compare their respective advantages and disadvantages.

CROSS CREDIT

Not applicable for this paper

REQUIRED COURSE TEXTS AND MATERIALS

Yet to be confirmed