



AGREEMENT BETWEEN RESIDENTIAL PROPERTY DEVELOPER AND PURCHASER

Section 364(2), Building Act 2004

INFORMATION FOR PURCHASERS:

- (1) Signing this form is optional.
- (2) You should take independent legal advice before signing this form.
- (3) Before signing this form you should consider:
 - (a) The effect that the absence of a code compliance certificate for the household unit may have on you:
 - Will you be able to insure the household unit?
 - Will you be able to draw down mortgage finance for the purchase of the household unit?
 - Will you be able to sell the household unit?
 - (b) Whether you (instead of the developer) will have to pay a development contribution to obtain the code compliance certificate and
 - (c) The extent of the work necessary to obtain a code compliance certificate.
- (4) If you sign this form, then you must apply for a code compliance certificate for the household unit as soon as practicable after all building work to be carried out under the building consent for the household unit has been completed.

This agreement is made on the _____ day of _____ between
(day) (month & year)

Residential Property Developer	Purchaser
Full Name: _____ Postal Address: _____ _____ _____ _____	Full Name: _____ Postal Address: _____ _____ _____ _____

	Property Details
<p>The residential property developer and the purchaser have entered or intend to enter into a contract for the sale and purchase of:</p>	House/Unit No: _____ Street/Road: _____ _____ Township/Area: _____ _____ Sale/Purchase Contract Date _____ _____

BACKGROUND INFORMATION:

- (1) As at the date of this agreement, a building consent has been granted in relation to the household unit but a code compliance certificate has not been issued.
- (2) Section 364(1) of the Building Act 2004 (Act) provides that a residential property developer commits an offence if that developer completes a sale of the household unit or allows the purchaser into possession of the household unit unless the parties enter into an agreement under Section 364(2) of the Act.
- (3) The parties wish to enter into this agreement under Section 364(2) of the Act to enable the residential property developer to complete the sale of the household unit or to allow the purchaser of the household unit to enter into the possession of the household unit before the code compliance certificate has been issued in relation to the household unit.

AGREEMENT:

- (1) In consideration of entering into the contract, the parties agree that the residential property developer may, before the code compliance certificate has been issued in relation to the household unit:
 - *(a) Complete the sale of the unit.
 - *(b) Allow the purchaser to enter into possession of the household unit.
- (2) If there is any conflict between the agreement and the contract, the provisions of the contract prevail.

**Delete in inapplicable.*

Residential Property Developer	Purchaser
_____ <i>Signature of Residential Property Developer</i> In the presence of: _____ <i>Signature of Witness</i>	_____ <i>Signature of Purchaser</i> In the presence of: _____ <i>Signature of Witness</i>
Witness Details	Witness Details
Full Name: _____ Address: _____ _____ _____ Occupation: _____ _____	Full Name: _____ Address: _____ _____ _____ Occupation: _____ _____

Office Use Only Section

Building Consent No: _____
Valuation or Property No: _____

**Date a copy of this agreement was received by the
 BCA:** _____
Receiving Officer: _____