



## Claiming unpaid rent and compensation after a tenancy has ended

### What should I do if a tenancy has ended and the tenant still owes rent?

It is really important that you take steps to recover monies owed as soon as possible. As with all tenancy problems, the best thing to do is talk it over with the tenant first. They may not realise that money is still owed.

It is a common misunderstanding that paying rent in advance means that the last few weeks of a tenancy have already been paid for.

Talk to your tenant and set the situation out in writing. By keeping accurate rent records, you can show the length of the tenancy, the payments made and the amount still owed.

If the tenant agrees to the amount owed, discuss how you can sort out the amount owed. If it is not possible for the tenant to pay the full amount, suggest they pay you a fixed amount each week until the debt is fully paid. Put this agreement in writing.

If you and your tenant cannot come to an agreement, you should apply to the Tenancy Tribunal for help.

Check out the information sheet '*Making an application for an Order of the Tenancy Tribunal: information for landlords*' at <http://www.dbh.govt.nz/tribunal-info-for-landlords> for more information about how to make an application to the Tribunal.

### How can I seek compensation for cleaning and repairs?

You should make an itemised list of all necessary cleaning and repairs (eg, professional cleaning, changing the locks, removing rubbish, etc). Detail the amount you are seeking for each claim. If your tenant disputes these claims, you should file an application with the Tenancy Tribunal seeking compensation.

### What about the bond?

If the amount owed is less than the bond you collected, suggest the tenant use the bond money to pay the rent and cleaning/repair charges that are owed. If they agree, you should indicate this on the Bond Refund form; both sign the form and send it to the Department of Building and Housing, PO Box 50-445, Porirua 5240.

### Can I claim the bond without the tenant's consent?

If the tenancy ended **less than two months ago**, you can claim the bond by completing a Bond Refund form and sending it to the Department without the tenant's signature. We are required by law to tell the tenant about any claim against their bond, so we will write to the tenant and give them 10 working days to respond and tell us whether they agree with the bond being refunded to you. If the tenant disputes your claim against their bond, the Department will contact you and tell you what you can do next.



If the tenancy ended **more than two months ago**, and you do not have a current address for service for your tenant, you can still claim the bond, but we will only be able to refund it to you if the tenant tells us that they agree with the bond being refunded to you.

## Should I apply to the Tenancy Tribunal for help?

You may need to need to make an application to the Tenancy Tribunal if:

- your tenant disputes your claim about unpaid rent, damages, and/or repairs
- the tenancy ended more than two months ago and you don't have a current address for service for your tenant
- the amount you want to claim is more than the bond.

## Completing the Tenancy Tribunal application form

To avoid delay, make sure you complete all sections of the Tenancy Tribunal application form. You must provide details of the tenancy as well as contact details for both landlord and the tenant.

You will also be asked to specify the orders you want the Tribunal to make. **Tick the boxes for Rent arrears and/or Compensation/damages.**

You can also request an order for:

- **refund of the bond** to cover any money owed to you (if applicable)
- **disposal of abandoned goods** (if applicable).

For more information about common Orders applied for by landlords refer to the explanatory notes on the application form.

The application form asks you to state the reason for your application. Make sure you state:

- the amount of rent owed (do not include rent in advance)
- specific details of any claim you want to make for compensation for damages or cleaning.

## Supporting documents to provide with your application

- A copy of your **Tenancy Agreement**
- A **rent arrears summary**, clearly showing the unpaid rent
- A written list of the damages and the amounts sought. The total amount of compensation you are claiming along with copies of invoices where possible.
- Any documents sent to the tenant advising them of the issue(s)

Check out the information sheet '*Making an application for an Order of the Tenancy Tribunal information for landlords*' for more information about what documents you need to provide when applying.

## Where can I find more information?

For tenancy advice and information call 0800 TENANCY (0800 83 62 62), visit our website [www.dbh.govt.nz](http://www.dbh.govt.nz) or email us at [info@dbh.govt.nz](mailto:info@dbh.govt.nz)