



Making an application for an Order of the Tenancy Tribunal: information for landlords

This is a guide for landlords explaining how to make an application to the Tenancy Tribunal and what information you need to provide when applying.

Before you apply:

Try to resolve the issue with your tenant **before** making an application to the Tenancy Tribunal.

- Find out about your rights and responsibilities and how the law applies to your situation.
- Discuss the issue with your tenant.
- Record and sign any agreement you reach.
- If the tenant has breached your tenancy agreement, you can issue them a '14 days' notice' asking them to fix the problem within 14 days. Templates for issuing notices can be found online at <http://www.dbh.govt.nz/tenancy-pub-sorting-out-problems>.
- If you can not agree, make an application to the Tenancy Tribunal to have the matter resolved. There is an application fee of \$20.44.

How to make an application?

Save time and apply online

You can make an application online at www.dbh.govt.nz by selecting 'Tenancy Tribunal application online' and paying the \$20.44 application fee with your Visa or Mastercard.

You can also complete a paper form and send it by mail to PO Box 50546 Porirua, fax it to 04 237 1058, or email it to tapplications@dbh.govt.nz.

You can pay the application fee:

- at any Westpac bank by eftpos, cash or cheque (payable to the Department of Building and Housing).
- by eftpos only at our Auckland, Manukau, Hamilton, Wellington or Christchurch offices.

Avoid delays – make sure your application is complete

You can help us when you fill out an application form by taking the time to make sure all the details are entered clearly and correctly and you include all supporting information. If you do this your application will not be delayed or withdrawn.

If we check your application and ask you to supply further details, you have five working days to provide the information or your application may be withdrawn. Taking a bit of extra time to check things over and supplying the correct information can save you time and cost in the long run.

If you need help call **0800 TENANCY (0800 83 62 62)**.



Supporting documents to provide with your application:

It is **very important** that copies of the following documents are provided:

- **Tenancy agreement.** If there was no written tenancy agreement for the tenancy, please note this on your application.
- Any **14 days' notice** to remedy sent to the tenant (if applicable).
- **Summary of rent arrears** (if applicable). Sufficient information should be provided to verify the amount of rent owing. This would include rent records setting out clearly weekly/fortnightly payments, including which of these payments were missed and the total amount of arrears outstanding. A template you can use can be found online at <http://www.dbh.govt.nz/pub-new-tenancy#map7>.
- Any documents sent to the tenant advising them of the issue(s).

- If you are seeking **compensation for damages** you need to state on the application what the damages are that you are seeking. Then include:
 - 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. The costs can be provided as a quote or estimation if the work has not been completed at the time of your application. Although the invoices for the work will need to be provided at your tribunal hearing

- If you are claiming **water rates** you need to state on the application the amount of water rates you are seeking. Then for a:
 - **current tenancy**, include a copy of the last water invoice (not a reminder notice) to claim water charges.
 - **tenancy that has ended**, include either a special water reading or the last water invoice with a manual final water reading so that the water charges can be calculated for the claim.

- If applying for a **disposal order** you need to provide a list of abandoned items.

Other documents may also be required to support your application. This may include (if applicable): rent records and receipts; the property inspection report; power bills; police reports; previous tribunal orders relating to the tenancy; invoices; and letters from the tenant.

Supporting documents must be on A4 sized paper, clear, easily read and one sided as they will be scanned and/or photocopied.

Please do not attach original documents, photographs, or bank statements when filing your application. If these are relevant to your application you can bring them to mediation or the Tribunal hearing.

Completing the Tenancy Tribunal application form

- The Tribunal application is made up of two parts, Part A and Part B.
- Both parts **must** be completed in full, otherwise **there may be a delay in processing your application.**
- **Read** the explanatory notes and instructions on the application provided for each section of the form to help you complete your application.
- If you need help call **0800 TENANCY (0800 83 62 62).**

Application checklist

Before you lodge your application, use this checklist to ensure your application is **complete** and **accurate** to avoid delays.

Part A:

Tenancy details

- Have you provided the bond number?
- If you do not know the bond number, you can get this by calling 0800 737 666.

Applicant's Details – Landlord's details

- Have you provided your landlord ID number? You can get this by calling 0800 737 666.
- Have you listed the full legal names of the landlord(s) involved in the application?
- Have you used full names rather than initials? For example, Donna and John Smith rather than D and J Smith.
- If you are acting as an **agent** have you shown if you are an agent for the landowner? For example, Peter Smith as agent for Diane Jones.
- If the landlord is a **company** have you included the actual company name as well as any trading name? For example, Letting Agent Ltd trading as Tenancy Top Rentals.
- If the landlord is a **trust** have you included both the trustee and the trust's name? For example, Joy Rangi as Trustee for Rangi Trust.

The Other Party details – Tenant's details

- Have you listed the tenant's full legal names as they appear in the tenancy agreement?

Address for service.

- Have you included the address for service?
 - This must be a physical address and in addition, you can provide an email address, PO Box or fax number as an alternative address for service.
- **Important note if applying after the tenancy has ended**
 - If you are applying **within 2 months** after the tenancy has ended, you **can** use the tenants address for service written on the tenancy agreement.
 - If you are applying **more than 2 months** after the tenancy has ended, you **cannot** use the address for service written on the tenancy agreement. Have you provided a new contact address for the tenant?
 - So that notices of mediations and Tenancy Tribunal hearings can be served on the tenant, you will need to provide:
 - a new contact address for the tenant, which was given to you in writing by the tenant **within 2 months** before you made the Tribunal application; or
 - a physical address where the tenant now lives, or where notice can be served on the tenant personally; or
 - the name and address of a solicitor or an agent that the tenant has authorised to receive service on their behalf.
 - Check out the information sheet 'What to do when you don't have the other party's address for service' at <http://www.dbh.govt.nz/address-for-service> for more information.

Other contact details

- Have you provided current telephone numbers and the email addresses for all parties?
- Correct contact details increase the likelihood of an early resolution

Part B:

Application details

- Use the explanatory notes to help you specify the Order(s) you want the Tribunal to make.
- You can view a range of information sheets at <http://www.dbh.govt.nz/tenancy-pub-sorting-out-problems> relating to making an application for various specific issues. For example, Rent behind less than 21 days; Rent behind more than 21 days; Claiming unpaid rent and compensation after a tenancy has ended; Abandoned premises; and Abandoned goods.

Reason for application

- Provide enough detail to tell your tenant and the Department of Building and Housing why you are making this application. For example:

Rent arrears

- My tenant Moana Jones has not paid rent for the last five weeks and currently owes \$1,000.00.
 - This is the amount owed up to and including 25/5/06
 - If we cannot agree that the debt will be paid, I want the tenancy terminated as the rent is over 21 days in arrears.
- If you have reached an agreement with your tenant include the details. Use bullet points as shown in the example.

Supporting documents

- Make sure you have supplied all relevant supporting documents with your application and they are of good quality (i.e. easy to read).

Sign the application form and **pay** the filing fee

Is your application a Cross application?

If your application is a Cross application (where both the landlord and tenant have made an application), it is important to lodge your application quickly if you want it to be heard at the same time as the tenant's application. If you take your time in lodging your cross application, you run the risk of your dispute being heard on a different date. This means you will have to attend two hearings instead of just the one.

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 or email us at info@dbh.govt.nz