



## Who should be named on the tenancy agreement when the property owner is not managing the property?

### Who should be named as landlord and tenant on a Tenancy Agreement?

All tenancy agreements and Tenancy Tribunal applications should include the full legal names of the landlord and the tenant(s). Specifically, if the landlord or tenant is:

- **an individual:** Include the full legal name on the tenancy agreement. Landlords should always verify the tenant's identity at the start of a tenancy. You can do this by using the Department's pre-tenancy application form (available at [www.dbh.govt.nz](http://www.dbh.govt.nz)).
- **a company:** Include the legal company name rather than the trading name or name of the franchise holder, for example, Radley Design Ltd instead of Joe Radley Design.
- **a trust:** Include the names of the trustee(s) as well as the name of the trust, for example, Jane and Mary Brown as trustees for the Brown Family Trust.

#### If the tenancy is being arranged and managed by a property management company:

Include as landlord the names of both the owner and the property management company; for example, Smith Property Management as agent for Andrew Jones.

The property manager's contact details should be recorded as the landlord's contact details.

### What happens if the property owner is not named in the tenancy agreement?

If the owner is not named on the agreement and a property manager is named as the sole landlord for the tenancy instead, that manager generally takes on all the rights and responsibilities of a landlord. This means the property manager could be held responsible for:

- any work orders issued by the Tribunal in favour of the tenant
- actions or non-actions of the owner.

It also means:

- the property manager and the owner will be unable to issue 42 days' notice to end the tenancy if the owner or a member of the owner's family wishes to live in the property
- the owner will be unable to apply for enforcement.



## Who should be named in applications made to the Tenancy Tribunal?

### Application by the tenant

The tenant should list all the tenants involved in the claim as the 'applicant'. They should list the 'other party' as the person/people named as landlord in the tenancy agreement. For example, if a property manager and owner are listed on the agreement, you should include both names on the application.

If the complaint relates solely to the action or inaction of the property manager or agent, you can make the application against only the property manager or agent.

### Application by the landlord

All parties named as 'landlord' in the tenancy agreement should be recorded as the 'applicant'. The 'other party' should be listed as:

- all the tenants named in the tenancy agreement
- any tenants with whom they have a verbal tenancy agreement, even if they are not named in the written tenancy agreement.

## Who can enforce an order?

When it comes to enforcing Tribunal or mediated orders, the person who is owed the money (usually the property owner) is the only person who can legally collect the debt. A property manager cannot legally act on their behalf in the District Court. This is why it is important that the tenancy agreement includes the name of the property owner and the property manager (or agent).

If a property owner wants to enforce the order, they must apply for, and attend, civil enforcement proceedings personally (unless represented by a lawyer). For corporations, 'personally' means by any officer of the corporation. An officer includes a director and the secretary. It does not include general employees. This applies to both monetary orders and possession orders.

### Address for service

It is important to consider where the **address for service** is. This is the address given by the landlord or tenant as an address at which notices and other documents relating to the tenancy will be accepted by, or on behalf of, the landlord or tenant.

Whenever a landlord or tenant is required to give an address for service they must give an address of a physical place in New Zealand and may, in addition, specify a PO Box number, email address, or fax number as one of the party's addresses for service.