



Rent behind less than 21 days?

Making an application to the Tenancy Tribunal using Section 56

If your tenant's rent is **less than 21 days in arrears**, you can apply to the Tenancy Tribunal for help under section 56 of the Residential Tenancies Act 1986 (RTA).

As soon as you become aware of unpaid rent, you should:

- contact the tenant to advise them the payment has been missed and discuss arrangements to pay
- serve a 10 working days' notice to the tenant, advising them of the amount due and giving them 10 working days to pay
- file a Tenancy Tribunal application, under section 56 of the RTA

You can apply to the Tenancy Tribunal immediately after serving the 10 working days' notice – you do not have to wait until the 10 working days' period expires.

Completing the Tenancy Tribunal application form

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

You will also be asked to specify the orders you want the Tribunal to make. **Tick the box for rent arrears.**

Under section 56, you can request that the tenancy continues while the rent arrears are repaid. However, you can also request an order is made to:

- terminate the tenancy if the arrears are not paid
- release the bond if the arrears are not paid.

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

- when the rent arrears began
- the amount of rent that is owed (do not include rent in advance)
- when the 10 working days' notice was served
- how the 10 working days' notice was delivered (eg by post or in person)
- if the 10 working days' notice was delivered to the address for service.

The arrears stated on the application form should be the current amount owed. You cannot include any money due for rent beyond the date your application is lodged.



Other information to include with your application

- A copy of your Tenancy Agreement
- A rent arrears summary, clearly showing the missed rent payments
- A copy of the 10 working days' notice

You can find sample 10 working days' notices and rent summary templates on the Department's website, www.dbh.govt.nz

Submitting your application

You can make an application online at www.dbh.govt.nz and pay the \$20 application fee with a Visa or MasterCard.

You can also complete a paper application form and send it by:

- mail to PO Box 50546, Porirua
- fax to 04 237 1058 or
- email to ttapplications@dbh.govt.nz

You must pay the \$20 application fee before submitting your application. You can pay at any Westpac branch (by eftpos, cash or cheque) or at the Department of Building and Housing in Auckland, Manukau, Hamilton, Wellington or Christchurch (eftpos only).

For more information contact the Department of Building and Housing on 0800 TENANCY (0800 83 62 62) or visit www.dbh.govt.nz