



## 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 14 days' notice to the tenant, advising them of the amount due and giving them 14 days to pay. (A template for issuing notice can be found online at <http://www.dbh.govt.nz/tenancy-pub-sorting-out-problems>).
- file a Tenancy Tribunal application, under section 56 of the RTA

You can apply to the Tenancy Tribunal immediately after serving the 14 days' notice – you do not have to wait until the 14 days' period expires.

### How to make an application

#### Save time and apply online

You can make an application online at [www.dbh.govt.nz](http://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](mailto: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.

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.

### 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
- **refund 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 14 days' notice was served
- how the 14 days' notice was delivered (e.g. by post or in person)
- if the 14 days' notice was delivered to the address for service.

Note: 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.

If you have reached an agreement with your tenant include the details.

## **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.
- A copy of the **14 days' notice** to remedy sent to the tenant.
- **Summary of rent arrears** (if applicable). Sufficient information should be provided to verify the amount of rent owing. This would include rent records clearly setting out 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>.

Other documents may also be required to support your application. This may include:

- rent records and receipts,
- previous 14 days' notices sent to the tenant
- previous tribunal orders relating to the tenancy
- 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.

## **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 do so or your application may be withdrawn. Taking a bit of extra time to check things over can save you time and cost in the long run.

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

## **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)