



# Making an application for an Order of the Tenancy Tribunal: information for tenants

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

## Before you apply:

Try to sort things out with your landlord **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 problem with your landlord and give a reasonable amount of time for it to be put right.
- If the landlord has breached your tenancy agreement, you can issue them a '14 days' notice' asking them to fix the problem within 14 days. A template for issuing notice 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](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 [ttapplications@dbh.govt.nz](mailto:ttapplications@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 If you do this your application will not be delayed or withdrawn.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your application and ask you to supply further details, you have five working days to do so or your application may be withdrawn.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)**.



## 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 landlord (if applicable).
- Any documents sent to the landlord advising them of the issue(s).

Other documents may also be required to support your application. This may include (if applicable): rent records and receipts; the property inspection report; water, power and phone bills; police reports; previous tribunal orders relating to the tenancy; quotes (although invoices will need to be provided at your tribunal hearing); invoices; and letters from the landlord.

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 don't know the bond number you can get this by calling 0800 737 666.

#### Applicant's Details – Tenant's details

- Have you listed the full legal names of all the tenants involved in the application?
- Have you used full names rather than initials? For example, Donna and John Smith rather than D and J Smith.

#### The Other Party details – Landlord's details

- Have you listed the landlord's full legal names as they appear in the tenancy agreement?
- If a property manager and owner are listed on the agreement, you should include both names on the application. Check out the information sheet 'Who should be named on the tenancy

agreement when the property owner is not managing the property?' at <http://www.dbh.govt.nz/who-should-be-named> for more information.

**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.
  - If you do not have an address for service for the other party, check out the information sheet 'Applying to the Tenancy Tribunal – 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.
- If you are applying for a **Work Order (repairs/maintenance required)**, check out the information sheet 'Making a Tenancy Tribunal application for repairs' at <http://www.dbh.govt.nz/tribunal-application-for-repairs> for more information.
- If you are applying for **Compensation**, you need to state what type of compensation you are requesting (see examples below). You must also provide an itemised list of the amount(s) you are claiming in relation to losses you have incurred. You will need evidence to support this.

For example, you are asking for compensation:

- for not being able to use a room due to damage
  - for loss of 'quiet enjoyment'
  - for repayment where you have paid for work the landlord is responsible for
  - for disruption to the normal day-to-day use of the tenancy, or for the affect on the health, safety and security of the occupants, due to the failure to do repairs
- If you are applying for **Other Orders**, make sure you state what type of order you are requesting. Refer to explanatory notes for other tenant orders.

**Reason for application**

- Provide enough detail to tell your landlord and the Department of Building and Housing why you are making this application.
- If you are applying for a **Work Order** (repairs/maintenance required), make sure you include:
  - The repairs/maintenance required (e.g. hot water cylinder broken, shower broken, etc).
  - The date you asked the landlord to complete the repairs/maintenance.

For example: **Work order – repair damages**

- I have notified my landlord John Smith on three occasions that the stove is not working.
  - I wrote on 24 June 2005 and have called to remind him twice since. I want the stove fixed.
- If you have reached an agreement with your landlord 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 landlord'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](http://www.dbh.govt.nz) or email us at [info@dbh.govt.nz](mailto:info@dbh.govt.nz)