



## Applying to the Tenancy Tribunal – what to do when you don't have the other party's address for service

When you make an application to the Tenancy Tribunal, you will need to provide an address for service for the other party.

An address for service is a physical address where notices and other documents relating to the tenancy will be accepted by the other person or on their behalf. The other party will usually have provided you with their address for service, usually by writing it in the tenancy agreement or by advising you in writing.

Any party to a tenancy agreement is required to provide the other party with an address for service. When a party changes their address for service, they are required to tell the other party in writing within 14 days.

When you are making a Tenancy Tribunal application, it is important to provide an address for service for the other party so that they can be served with notices of mediations and Tenancy Tribunal hearings. If they cannot be served with these notices, then the Tenancy Tribunal may not be able to hear the matter.

You may need to make an application to the Tenancy Tribunal, but may not have an address for service for the other party. This can occur when:

- a landlord does not write their address for service on the tenancy agreement, and does not give it to the tenant during the tenancy
- the landlord has moved, either during or after the tenancy, and hasn't given the tenant their new address for service
- the tenancy has ended, and the tenant has left the property without providing the landlord with their new address for service.

### Important note for landlords applying to the Tribunal after the tenancy has ended

- If a landlord is applying to the Tribunal **within 2 months** after the tenancy has ended, they **can** use the tenants address for service written on the tenancy agreement.
- If a landlord is applying to the Tribunal **more than 2 months** after the tenancy has ended, they **cannot** use the address for service written on the tenancy agreement.
- So that notices of mediations and Tenancy Tribunal hearings can be served on the tenant, the landlord 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.



## **What can I do if I don't have the other party's address for service?**

If you can't find the other party's address for service, then you may:

- apply for substituted service, and/or
- apply to have your application transferred to the District Court (which may also permit substituted service).

If you are the landlord, and the tenant provided the tenancy address as the address for service, and the tenancy ended less than 2 months ago, you may still be able to use the tenancy address as the address for service. However, where there is evidence that the tenant has not received the notice (for example, the notice is returned to the sender), then it may be deemed that notice has not been served. In these circumstances, you may also need to add a request for substituted service to your application, or ask that your application be transferred to the District Court.

## **What is substituted service?**

If reasonable efforts to serve notice on the other party are not successful, the Court or Tribunal may consider other options to bring the notice to the attention of the other party. This is known as substituted service.

Substituted service can include:

- serving the notice on a relative or partner of the other party (who is known to be in contact with the party)
- serving notice to the other party at their workplace.

If you know where the party works or have contact details for their family members, you should provide those details to the Court or Tribunal.

## **How can I apply for substituted service or for my application to be transferred to the District Court?**

If you would like to apply for substituted service or have your application transferred to the District Court, this must be included in your Tenancy Tribunal application.

If your application includes a request for substituted service, then you should include details about what you have done to try and find an address for service for the other party, and the other ways in which the notice may be brought to the other party's attention. It may be useful to include details such as where the other party works and/or the address of family members who may receive notice on the other party's behalf.

## **Where can I find more information?**

For tenancy advice and information call 0800 TENANCY (0800 836 262), 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)