



## Abandoned premises

Sometimes tenants leave a property with rent owing and without giving notice. When this happens the tenancy is considered to be abandoned.

Normally the landlord wants to get into the property as soon as possible to re-let it. While this is understandable, the law sets out a procedure that must be followed to protect both the tenant and landlord.

### What do I do if I think my tenant has abandoned the tenancy?

If you think your tenant has abandoned the tenancy, contact them. If they haven't abandoned the property, they will appreciate you checking before taking any other steps.

If they have abandoned the property and you can contact them, ask them to confirm in writing that they are returning possession of the property to you, so you can go into the property immediately. You should also try to arrange for the tenants to return the keys to you.

### What if I can't find the tenant?

Remember, there are two conditions that must be satisfied for a property to be considered abandoned:

1. The rent must be in arrears. It is not enough that the rent is not in advance as much as it should be.
2. There must be reasonable grounds to think that the tenants have left and are not intending to come back.

If these conditions are met, you should apply to the Tenancy Tribunal to have the tenancy terminated.

## Entering the property

Before you enter the property, you must give notice of your intention to inspect the property. Even though the tenant may not be at the property any more, you must give 48 hours notice, plus the appropriate service time (4 working days if you serve the notice by post or 2 working days if you deliver it to the letterbox by hand or attach it to the door of the property). After the service time expires you can enter the property, inspect it and secure the premises.

You can't dispose of any of the tenant's goods until you have obtained a disposal order from the Tenancy Tribunal. Don't remove any of the tenant's goods unless absolutely necessary to protect them.

## Completing the Tenancy Tribunal application form

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

You will also be asked to specify the orders you want the Tribunal to make. **Tick the boxes for termination of tenancy and rent arrears.**



You can also request an order for:

- disposal of abandoned goods
- rent owing to date of termination
- rent in lieu of notice (for periodic tenancy)
- release of the bond if the arrears are not paid
- compensation for cleaning/repairs (if applicable).

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

- when the rent arrears began
- amount of rent that is owed (do not include rent in advance)
- brief details of evidence of abandonment
- specific details of any claim you want to make for compensation for damages or cleaning (if applicable).

### **Other information to include with your application**

- A copy of your Tenancy Agreement
- A rent arrears summary, clearly showing the missed rent payments.

## **Submitting the application**

You can apply to the Tenancy Tribunal online at [www.dbh.govt.nz](http://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
- email to [ttapplications@dbh.govt.nz](mailto: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).

You will need to provide the Tribunal with evidence that the rent is in arrears. You can find rent summary templates at [www.dbh.govt.nz](http://www.dbh.govt.nz)

## **Why do I need a Tribunal Order?**

It is an offence for a landlord to take possession of a property without the tenant's consent or a court order. The Tribunal Order will also protect you if the tenants were intending to come back.

## **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)