

RENTALS

Debt threat

Tenancy Tribunal orders aren't always followed; you may have to call in the big guns, says **Diana Clement**

Tenancy Tribunal orders are great — that is, if you can get them enforced.

It is a problem for both landlord and tenant, though 80 per cent of applications to the tribunal are made by landlords.

The best way to enforce orders is to talk to the other party and keep the lines of communication open.

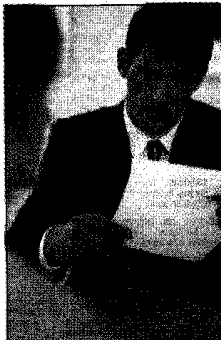
If that fails, you may need to go to court and then perhaps use a debt collection agency.

Those orders that need enforcement usually involve money, says Jeff Montgomery, client services manager at the Department of Building and Housing, although termination or possession orders sometimes need enforcing as well.

If a landlord or tenant won't comply with an order, it is necessary to apply to the district court for enforcement.

This costs money, but that can be recovered from the other party.

If it is money you're after, a court collections



officer can visit the tenant or landlord's property and demand the money or identify goods that can be seized.

But it's up to you to prove that the goods belong to the other party.

There are several other enforcement options. One that landlords particularly like is a garnishee order, which allows the creditor to intercept money, such as that being paid to a debtor. This can be very effective.

Another is an attachment order, where a debtor's employer can deduct money from wages or benefits to pay the debt.

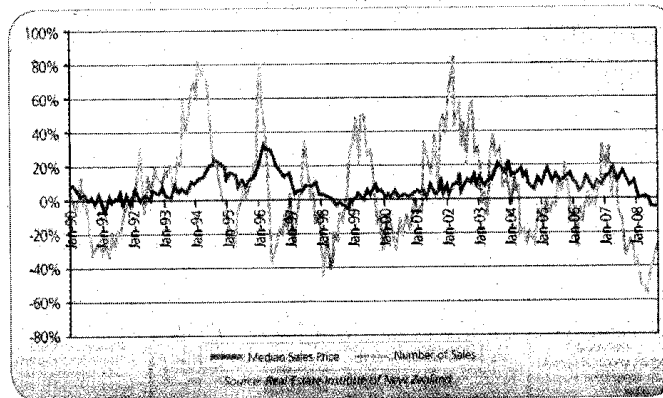
Other orders include distress warrants, which allow the other party's goods to be seized and sold.

It's your responsibility to find the other party's current address.

This makes it all the more important for landlords to get tenants' parents' addresses and other information such as registration

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numbers of vehicles at the outset of a tenancy. Requests for addresses may be made to the courts, says Montgomery, and more information about this can be found at www.dbh.govt.nz/finding-new-address.

The other option is to hand the debt collection over to a collection agency — the best-known of which is Baycorp.

That company will then act on your behalf to collect the debt.

There are various methods of payment, but

usually it will be commission-based; that is, the debt collector earns a commission when the debt is collected.

Another debt collection agency that some landlords use is the CIA Debt Recovery Group, which runs the tenant checking website tinz.net.nz, where landlords list tenants' names and their experiences with them.

Finally, the forum propertytalk.com has plenty of discussion about enforcing Tenancy Tribunal orders.