

# Application for rehearing



## TENANCY TRIBUNAL

Section 105, Residential Tenancies Act 1986

### When to use this form

Use this form to apply for a rehearing in the Tenancy Tribunal.

### Important information

#### *When to file your application*

- You must apply for a rehearing **within 5 working days** after the date on the Tenancy Tribunal Order.
- If you are filing your application **more than 5 working days** after the date of the order, you will also need to complete the attached *Application to apply for a rehearing out of time*.

#### *Where to file your application*

- You must submit your application, by post, email or in person, to the District Court location where your Tenancy Tribunal case was heard.
- Court contact information is available on the Ministry of Justice website: [www.justice.govt.nz/contact-us/find-us/](http://www.justice.govt.nz/contact-us/find-us/)
- If your application was heard remotely by phone or video, please email your application for rehearing to [Remote.Tenancy@justice.govt.nz](mailto:Remote.Tenancy@justice.govt.nz)

#### *What happens next*

- Usually, the Adjudicator who made the original decision will consider your request for a rehearing.
- The Adjudicator will decide if a hearing is required to hear the full reasons for your application. This could be in person or by phone. If this happens, both parties will receive a new Notice of Hearing.
  - This application will ask if you want the Adjudicator to decide on a rehearing on the basis of the information you have provided only i.e., without a hearing to discuss the reasons for the application. Please tick to confirm this option on the application form
- If the Adjudicator is satisfied that a *miscarriage of justice* has or may have occurred, then a rehearing will be granted. If this happens, another Notice of Hearing will be sent to both parties, and a new hearing will be held. The new hearing could be with the same or a different adjudicator.
- A miscarriage of justice may include the following situations:
  - one party did not receive the Notice of Hearing and therefore could not attend the hearing
  - information was withheld from the other party
  - relevant evidence was not available and therefore was not considered by the Adjudicator

### Stay of proceedings

A stay of proceedings means that the original order of the Tenancy Tribunal is suspended and cannot be enforced. Only a Court or Tribunal can order a stay of proceedings. You must make an application if you want the original order of the Tenancy Tribunal to be suspended.

This application will ask if you want to apply for a stay of proceedings. Please tick to confirm this option on the application form and provide the grounds (reasons) if you are applying for a stay of proceedings.

### Further information

If you would like more information, please visit [www.justice.govt.nz/tribunals/tenancy](http://www.justice.govt.nz/tribunals/tenancy) or call 0800 268 787.

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# Application for rehearing

Application number \_\_\_\_\_

Tenancy Tribunal at \_\_\_\_\_

**Has this been enforced? (Please tick to confirm)**

Yes  No

**Are you applying for a stay of proceedings? (Please tick to confirm)**

Yes  No

*If yes, please provide the grounds below when you provide your reasons for a rehearing*

**Would you like the adjudicator to decide if a rehearing can be granted based on the information you are submitting on this form (if the adjudicator considers that to be appropriate), without another hearing being scheduled for you to explain those reasons? (Please tick to confirm)**

Yes  No

**What are the names of the parties?**

v

**Hearing date** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (day/month/year)

I, \_\_\_\_\_ of \_\_\_\_\_

hereby apply for a rehearing of the above case because I claim, "that a substantial miscarriage of justice has or may have occurred or is likely to occur". My reasons for this are set out below.

**(Please note that being unhappy or disagreeing with the decision are not grounds for a rehearing.)**

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If you need extra space, please attach a separate sheet to this application

**What is your address for service? (an email address is the most efficient way of communicating with you)**

**Email** \_\_\_\_\_

**Address**    No.                      Street    Suburb  
\_\_\_\_\_  
City    Post code  
\_\_\_\_\_

I understand that I must inform the Tenancy Tribunal if my address changes while this matter is being dealt with

**Phone**            Day    Mobile    \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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# Application to apply for a rehearing out of time

Application number \_\_\_\_\_

Tenancy Tribunal at \_\_\_\_\_

What are the names of the parties?

\_\_\_\_\_ v \_\_\_\_\_

Hearing date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (day/month/year)

I, \_\_\_\_\_ of \_\_\_\_\_

hereby apply for a rehearing **outside of the 5 working day period** after the date of the Tribunal decision of the above case. My reasons for applying out of time are set out below.

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If you need extra space, please attach a separate sheet to this application

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date