

# Application for eviction warrant

## When should I use this form?

This form lets you apply for a warrant that will enable a bailiff to give possession of residential premises to the person named in a Tenancy Tribunal order. Use this form if the following applies:

- you have a Tenancy Tribunal order saying that possession of residential premises is to be returned to you by a specified date but the respondent has not yet done this, or
- you have a Tenancy Tribunal order or Mediator's order saying that possession of a residential premises is to be returned to you if payment conditions are not met by the respondent.

If you have a District Court judgment, use the application for warrant to recover land.

You must file an application for eviction warrant within 90 days from either:

- the date the Tenancy Tribunal/Mediator's order is first breached or
- the date the tenancy ended.

## How do I recover money ordered by the Tenancy Tribunal without making a separate enforcement application?

An order for the payment of money may be made in the Tenancy Tribunal order along with the order to give possession of residential premises. If the judgment debt is not paid the applicant can choose to enforce the unpaid debt at the same time as the eviction. The enforcement options to do this are included in this form in Sections D and E. To apply for enforcement against more than one respondent, attach their details on separate pieces of paper. There is no additional cost.

## How do I complete this form?

This form has 5 sections:

- Section A is for information required to process your application. You must complete all the steps in Section A.
- Section B is for the date and your signature. You must complete Section B.
- Section C is for extra information to assist the enforcement process. You only need to complete the steps in Section C that are relevant to your application.
- Section D is for information required to issue an attachment order. You only need to complete the steps in Section D if you want to enforce the judgment debt by attachment order.
- Section E is for information required for an assessment of financial means. You only need to complete the steps in Section E if you cannot provide the required information for an attachment order in Section D.

### KEY WORDS

Below are explanations of some of the words we use in this application form.

**Applicant** The person or organisation making a claim in the Tenancy Tribunal.

**Attachment order** A court order requiring an employer to deduct a specified amount or percentage from a judgment debtor's salary, wages or benefit. The deduction is paid directly to the judgment creditor (or other nominated payee).

**Financial means** A summary of the judgment debtor's income, expenditure and assets for the past 52 weeks.

**Judgment creditor** The person or organisation money is owed to in a judgment or court order.

**Judgment debt** The sum of money awarded to the successful party (the judgment creditor) in a judgment or court order. The money is owed to the judgment creditor by the unsuccessful party (the judgment debtor).

**Judgment debtor** The person or organisation who owes money in a judgment or court order.

**Possession order** The Tenancy Tribunal may give possession of residential premises to a person or organisation following the termination of a tenancy or where the occupation is unlawful.

**Respondent** The person against whom a claim is made in the Tenancy Tribunal.

## Who can sign this form?

You can only sign this form if you are the applicant or their lawyer. Anyone can help you complete the rest of the form.

## How much does it cost to make an application?

The application fee is \$200. The court can order the respondent to repay the fee.

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## How do I file my application?

You can file your application by post, in person or electronically through File and Pay. You must pay the fee with your application. You can also make the payment through File and Pay.

### By post

Post your application to:  
Central Registry,  
DX SX10042  
Wellington.

### In person

See [justice.govt.nz/contact-us/find-us](https://www.justice.govt.nz/contact-us/find-us) for the address of your nearest District Court.

### File and Pay

You can file the application electronically and also pay the filing fee through File and Pay on [www.courtsofnz/file-and-pay](https://www.courtsofnz/file-and-pay)

## What are the next steps after making an application?

The warrant will be sent to a bailiff to action. The bailiff will contact you to discuss the return of the residential premises to you.

## Where can I find more information?

If you need help with this form, you can:

- call **0800 233 222**
- visit [justice.govt.nz/fines/about-civil-debt/](https://www.justice.govt.nz/fines/about-civil-debt/)
- email [civilenforcement@justice.govt.nz](mailto:civilenforcement@justice.govt.nz).

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## Paying for your application

You must pay the fee with your application.

### Applying in person

If you apply in person at a District Court, you can pay by cash or eftpos (Visa or Mastercard credit or debit cards).

### File and Pay

You can pay the filing fee through File and Pay on [www.courtsofnz/file-and-pay](http://www.courtsofnz/file-and-pay)

You will need to select the following options:

- Court Type as **District Court Civil**
- Location as **the court where the Tenancy Tribunal hearing was held**, for example Christchurch
- Case type as **Civil Enforcement**
- Filing type as **Eviction Warrant (Final Possession order)** or **Eviction Warrant (Conditional Order)**
- Fee Options as **I am paying fees only**

### More payment options

For more options on how to pay, you can visit:

[justice.govt.nz/fines/ways-to-make-or-receive-a-payment/civil-enforcement/](http://justice.govt.nz/fines/ways-to-make-or-receive-a-payment/civil-enforcement/)

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# Application for for eviction warrant

## Section A Information required to process your application

You must complete all the steps in this section.

### 1. Provide the court reference number this application relates to

For example, CIV-2013-095-123

Court reference number

You must attach a copy of the judgment or court order if you have not already given the court a copy.

- I have attached a copy
- I have already given the court a copy

### 2. Provide the details of the applicant making this application

Full name

Organisation name (if applicable)

Office held by authorised officer making application

Postal Address

Street address (if different)

Email

Phone: Mobile

Business

Home (if applicable)

If you are an applicant and wish to ensure your contact details on this form are kept confidential to the other party, please tick this box

#### Indicate your preferred contact address

- my email address
- my postal address
- my lawyer's address (see Section C)
- my debt recovery company's address (see Section C)

**3. Provide details of the type of possession order being enforced**

- This application is made in respect of a conditional possession order
- This application is made in respect of a final possession order

If this application is being made in respect of a conditional possession order, complete the following table. You must also provide a copy of your rent schedule showing the date the payment condition was not met by the respondent.

List the condition(s) in the order	Tell us how the condition was not met by the respondent	Tell us the date on which the condition was not met by the respondent

**4. Provide the names of the respondent(s) to be evicted from the residential premises**

	Full name of respondent	Respondent's date of birth (if known)
1		
2		
3		
4		
5		

**5. Provide the address of the residential premises at which the eviction is to occur**

The address described here must match the address in the Tenancy Tribunal order.

**6. Provide the date from the Tenancy Tribunal order that you were given possession of the residential premises**

For a conditional possession order, this will be the date that the condition was not met.

7. Provide any other information or health and safety concerns you think may assist the bailiff (e.g. dogs at property, aggressive behaviour, known drug use)

## Section B Date and signature

This section must be completed by the applicant or the applicant's lawyer.

Your name


Signature \_\_\_\_\_ Date

Select one of the following:

- I am the applicant
- I am the applicant's lawyer

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## Checklist. . .

-  Have you attached a copy of the court order?
- Have you signed and dated the form?
- Have you paid the application fee?
- Do you need to complete Sections C, D or E?

### Office use only

Application filed (date and time) \_\_\_\_\_

## Section C Extra information to assist the application process

Only complete the steps in Section C that are relevant to your application.

### 1. Provide the details of the lawyer representing you

Name of law firm

Name of lawyer

Postal address

Email

Phone

Reference number

### 2. Provide details of the debt recovery company managing the enforcement process for you

Company name

Postal address

Email

Phone

Reference number



## Section D Information required to issue an attachment order

An attachment order is a simple, cheap enforcement solution. Use this option if the following applies:

- you have a Tenancy Tribunal order for the payment of money along with the order to give possession of residential premises. The debt has not been paid; or
- you want to claim enforcement costs for making the application for eviction warrant
- you can provide the judgment debtor's date of birth and employment or benefit details
- you must only complete Section D or E.

Court reference number

### 1. Provide the details of the judgment debtor

The judgment debtor is the respondent who owes the money in the Tenancy Tribunal order. Please use a separate sheet if there is more than one judgment debtor.

Full name

Address

Email

Phone: Mobile

Business

Home (if applicable)

### 2. Provide the judgment debtor's date of birth

Judgment debtor's date of birth

### 3. Provide the judgment debtor's employment or benefit details

Name of employer (if the judgment debtor is on a benefit, write Ministry of Social Development)

Benefit number (if known)

Employer's address (leave blank if the judgment debtor is receiving a benefit or ACC payment)

Employer's phone and/or email address (leave blank if the judgment debtor is receiving a benefit or ACC payment)

#### 4. Tell us how much you want deducted from the judgment debtor's income each pay period

The applicant can specify either an amount (\$) or a percentage (%) to be deducted from the judgment debtor's salary, wages or benefit.

Please note that even though you may specify an amount or a percentage, the Collections registry officer may change this if they do not believe the deduction is sustainable.

<input type="checkbox"/>	Amount	\$	<input type="text"/>	<input type="checkbox"/>	Weekly	<input type="checkbox"/>	Fortnightly	<input type="checkbox"/>	Monthly
<input type="checkbox"/>	Percentage %		<input type="text"/>	<input type="checkbox"/>	Weekly	<input type="checkbox"/>	Fortnightly	<input type="checkbox"/>	Monthly

#### 5. Provide the details for payment

Provide the name and number of the bank account to which any payments should be made.

Name of bank	<input type="text"/>		
Name of branch	<input type="text"/>		
Name of account holder	<input type="text"/>		
Account number	<input type="text"/>	<input type="text"/>	<input type="text"/>
Payment reference	<input type="text"/>		

#### 6. Provide the details of the judgment debt and any enforcement costs you want to claim

You can claim some of your costs from trying to enforce the judgment or court order. Enter the judgment debt, the payments made and costs you want to claim, in the table below.

##### Debt

Amount of judgment debt	\$	<input type="text"/>
Less amount already paid	\$	<input type="text"/>
Sub total	\$	<input type="text"/>

##### Enforcement costs you want to claim

Fee for filing application	\$	<input type="text"/>
Lawyer costs for this application	\$	<input type="text"/>
Sub total	\$	<input type="text"/>
<b>Total amount owed</b>	<b>\$</b>	<input type="text"/>

## Section E Information required for an assessment of financial means

The assessment of financial means lets you find out more about a judgment debtor's ability to pay a judgment debt. Use this option if the following applies:

- you have a Tenancy Tribunal order for the payment of money along with the order to give possession of residential premises. The debt has not been paid; or
- you want to claim enforcement costs for making the application for eviction warrant
- you cannot provide the judgment debtor's date of birth and employment or benefit details
- you can provide a phone number for the judgment debtor
- you must only complete Section D or E.

Court reference number

### 1. Provide the details of the judgment debtor

Full name of person or organisation

(if an organisation, also name the relevant officer)

Person's date of birth (if known)

Phone: Mobile

Business

Home (if applicable)

The judgment debtor's phone number is required for this application.

#### Address

Do you have an address for the judgment debtor?

Yes, the address is

This address was current on

I would like the Ministry of Justice to check its records and, where they are more recent, use the contact details it holds for the judgment debtor.

No, I do not have an address for the judgment debtor. But I have made a confidential address request and the Ministry of Justice has advised that it has found an address for the judgment debtor.

#### Other contact details

Provide any other contact details for the judgment debtor.

Email

## 2. Provide the details of the judgment debt and any enforcement costs you want to claim

You can claim some of your costs from trying to enforce the judgment or court order. Enter the judgment debt, the payments made and costs you want to claim, in the table below.

### Debt

Amount of judgment debt	\$	<input type="text"/>
Less amount already paid	\$	<input type="text"/>
		<input type="text"/>
Enforcement costs you want to claim		
Fee for filing application	\$	<input type="text"/>
Lawyer costs for this application	\$	<input type="text"/>
	Sub total	\$ <input type="text"/>
	<b>Total amount owed</b>	<b>\$ <input type="text"/></b>

## 3. Provide the details for payment

Provide the name and number of the bank account to which any payments should be made.

Name of bank	<input type="text"/>			
Name of branch	<input type="text"/>			
Name of account holder	<input type="text"/>			
Account number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Payment reference	<input type="text"/>			