

# 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 of 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 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/)

#### *What happens next*

- The Adjudicator who made the original decision will consider your request for a rehearing. This is because they have first-hand knowledge of your case.
- The Adjudicator will decide if a hearing in person should be held to hear the full reasons for your application. If this happens both parties will receive a new Notice of Hearing.
- If the Adjudicator is satisfied that a *miscarriage of justice* has, or may have, occurred then a rehearing will be granted. If this happens, a new hearing will be held, and a different adjudicator will be assigned to the case.
- 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
  - costs were over or under estimated
  - relevant evidence was not available and therefore was not considered by the Adjudicator

### Stay of proceedings

The application will ask whether you want to apply for a stay of proceedings. A stay of proceedings means that the Order of the Tribunal is put on hold until the rehearing application has been considered. Orders of the Tribunal cannot be enforced if a Stay is in place.

### 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.



# 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 because I claim, "that a substantial miscarriage of justice has or may have occurred or is likely to occur". 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

**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 \_\_\_\_\_