

Giving notice to end a tenancy

If you want to end your tenancy, it's important to understand the rules for giving notice.

[Boarding houses](http://www.tenancy.govt.nz/starting-a-tenancy/types-of-tenancies/boarding-houses/) (<http://www.tenancy.govt.nz/starting-a-tenancy/types-of-tenancies/boarding-houses/>) explains the notice periods for boarding houses.

How much notice do you have to give?

Answer these short questions to find out whether you can give notice to end your tenancy, and how much notice you need to give.

1. Are you a landlord or a tenant?

Landlord

Tenant

Ending a periodic tenancy

A landlord or tenant must give notice to end a periodic tenancy.

Every notice to end a tenancy must:

- be in writing
- give the address of the tenancy
- give the date when the tenancy is to end
- be signed by the person giving the notice.

You cannot give notice to end a fixed-term tenancy early.

Notice periods

A **tenant** must give at least 21 days' written notice to end the tenancy, unless the landlord agrees to a shorter time. This agreement should be in writing.

A **landlord** must give at least 90 days' written notice to end the tenancy. Landlords can give less time (at least 42 days' notice) in some cases.

If a landlord gives the tenant notice to end the tenancy and the tenant wants to move out sooner, the tenant must still give the landlord 21 days' written notice.

If there are multiple tenants named on the tenancy agreement, and one of the tenants gives the landlord notice, this ends the tenancy for all the tenants.

How to [serve notices](http://www.tenancy.govt.nz/ending-a-tenancy/serving-notices/) (<http://www.tenancy.govt.nz/ending-a-tenancy/serving-notices/>)

When landlords can give 42 days' notice

A landlord can give at least 42 days' written notice to end the tenancy if one of the following apply:

- the property has been sold and the new buyer doesn't want tenants (ie the buyer wants 'vacant possession')
- the owner or a member of the owner's family is going to live in the property
- the property is normally used as employee accommodation and its needed for this purpose. The fact that this might happen must be included in the tenancy agreement.

The landlord's notice must also state which of the above reasons applies. This reason must be genuine. If it isn't the tenant can challenge the notice through the Tenancy Tribunal.

When notice can be given

Notice to end a tenancy can be given on any day of any week, to end the tenancy on any day of any week.

The day of the week that the tenancy ends on doesn't have to match the day of the week the tenancy began on. It also doesn't need to match the day of the week the rent is normally paid on.

Ending a service tenancy

If the tenant's employment is ending

The landlord or the tenant must give at least 14 days' written notice to end the tenancy. This notice can only be given if the tenant's employment has ended or either party has given notice for it to end.

In some situations, if the tenant's employment has ended the landlord can give less than 14 days' notice. This also applies if the tenant is transferred with less than 14 days' notice. This can only happen if:

- the landlord has reason to believe the tenant will substantially damage the premises if they stay for the full 14 days
- the landlord's business needs to have a new employee in place in less than 14 days. There must be no other accommodation available for that employee during the 14 days.

If the tenant's employment is continuing

If the tenant wants to end their tenancy before their employment has ended, they must give 21 days' written notice.

A landlord can only give notice to end a service tenancy if the tenant's employment has ended.

About [service tenancies](http://www.tenancy.govt.nz/starting-a-tenancy/types-of-tenancies/service-tenancy/) (<http://www.tenancy.govt.nz/starting-a-tenancy/types-of-tenancies/service-tenancy/>)

Retaliatory notice

A 'retaliatory notice' is where a landlord gives a notice to a tenant to end a tenancy in retaliation for a tenant standing up for their rights. For example, if they make a complaint about the tenancy.

It is an unlawful act for a landlord to issue a retaliatory notice. The Tenancy Tribunal can award exemplary damages of up to \$4,000 if a landlord does this.

If a landlord issues a retaliatory notice the tenant can apply to the Tribunal to have the notice set aside. The tenant has to apply within 28 working days of receiving the notice.

When a tenant stays in the property after the tenancy ends

Sometimes a tenant doesn't move out of the property when the tenancy has ended. There could be different reasons for this. The landlord should try to contact the tenant to find out why they haven't moved out.

Sometimes landlords and tenants agree to extend the tenancy if the tenant's having difficulty moving out in time. The landlord doesn't have to agree to this though. If the tenant remains in the tenancy without the agreement of the landlord it is an unlawful act.

If a tenant refuses to move out after the tenancy has ended, the landlord can apply to the Tenancy Tribunal for help. The Tribunal can give an order that returns possession of the premises to the landlord. If the landlord suffers financially as a result of the tenant refusing to move out, the Tribunal can also order the tenant to pay them compensation.

How to apply to the [Tenancy Tribunal \(http://www.tenancy.govt.nz/disputes/tribunal/\)](http://www.tenancy.govt.nz/disputes/tribunal/)

If the tenant stays at the property for more than 90 days after the tenancy ends, it will mean that the landlord has given them a new periodic tenancy. This means that the landlord needs to give the tenant a new notice to end the tenancy if they still want them to move out.

Death of a tenant

If there is only one tenant named on a Tenancy Agreement and they die, the tenancy ends on one of the following dates (whichever is earliest). This also applies to fixed-term tenancies:

- 21 days after the tenant's personal representative or next of kin gives the landlord written notice of the tenant's death
- 21 days after the landlord gives the tenant's personal representative or next of kin written notice to leave the premises
- a date agreed in writing by the landlord with the tenant's personal representative or next of kin
- a date given by the Tenancy Tribunal on an application made by the landlord (this can be made without notice).

If a tenant of a service tenancy dies and leaves a dependent living in the premises, the landlord must give at least 14 days' notice to end the tenancy.

The [Residential Tenancies Act 1986 \(http://www.legislation.govt.nz/act/public/1986/0120/latest/DLM95516.html?search=ad_act%40bill%40regulation%40deemedreg_Residential+Tenancies+Act+1986_25_ac%40bc%40rc%40dc%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem'](http://www.legislation.govt.nz/act/public/1986/0120/latest/DLM95516.html?search=ad_act%40bill%40regulation%40deemedreg_Residential+Tenancies+Act+1986_25_ac%40bc%40rc%40dc%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem) has more information about ending service tenancies if a tenant dies.

[What to know when a tenancy ends \(http://www.tenancy.govt.nz/ending-a-tenancy/what-to-know-when-a-tenancy-ends/\)](http://www.tenancy.govt.nz/ending-a-tenancy/what-to-know-when-a-tenancy-ends/)

For more information about ending a tenancy, [see our easy to follow guide. \(http://www.tenancy.govt.nz/ending-a-tenancy/what-to-know-when-a-tenancy-ends/\)](http://www.tenancy.govt.nz/ending-a-tenancy/what-to-know-when-a-tenancy-ends/)