Rent arrears and overdue rent

Tenants and landlords need to know what to do when rent is overdue, and where they can go for help.

If tenants don’t pay the rent on time it is a breach of the tenancy agreement and the Residential Tenancies Act. The tenancy agreement will say how the rent is to be paid and when.

Responsibility for paying the rent

The tenant is the person (or people) named on the tenancy agreement as tenants. They are legally responsible for paying the rent. Tenants can’t refuse to pay rent while waiting for the landlord to fix something.

If there are multiple tenants, and one of them causes the rent payment to be missed or short, all other tenants are responsible for the overdue rent. They will have to pay the debt if the offending tenant does not.

If someone else shares the house, but they are not named as a tenant on the tenancy agreement, they’re likely to be a flatmate. Flatmates pay rent to the tenant. They’re not part of the tenancy agreement, and they’re responsible to the tenant, not the landlord.

What to do If you’re a landlord

Check with the tenant to see if they’re aware of the missed payment. Talk to them about what’s happened, and discuss how they plan to bring rent up to date.

If they’re having difficulty, you could let them add an amount to their regular rent until they’ve paid the debt. Record any agreement in writing.

If you can’t reach an agreement:

- you can send a notice to remedy (if the tenant owes less than 21 days rent).
- you can apply to the Tenancy Tribunal for termination of the tenancy (if the tenant owes 21 days of rent or more, or doesn’t remedy the overdue rent).

Solving problems through self-resolution

Notices to remedy information and templates

Apply to the Tenancy Tribunal

What to do If you’re a tenant

If you’ve missed a payment, or you’re having difficulty paying, contact your landlord immediately to let them know.

You should pay whatever you can straight away. A part payment is better than nothing.

Don’t avoid or ignore your landlord’s calls or messages. Be honest with them, and they might work with you on a solution. They may let you add an amount to your regular rent until you’ve paid the debt.

If you think you’ll have trouble paying in future, think about other options:
• check whether your tenancy agreement allows you to have paying boarders/flatmates

• get in touch with budgeting services, Work and Income (https://www.workandincome.govt.nz/housing/live-in-home/housing-costs/index.html#null%201), or other agencies to see if support is available

• think about whether you can afford to stay in the tenancy, or if you need to explore cheaper options.

Solving problems through self-resolution (http://www.tenancy.govt.nz/disputes/self-resolution/)