

Request for assignment

Date: DD / MM / YYYY

Dear [enter landlord details]

Tenancy at: [enter tenancy address]

I am writing to request your permission to assign my tenancy for the above address, as provided in Section 43B of the Residential Tenancies Act 1986 (the RTA), to another person(s).

(The following information is optional.)

I am requesting this to take effect from:

DD / MM / YYYY

Current tenant(s) name(s):

I propose the following person(s) to take over the tenancy:

New tenant(s) name(s):

New tenant(s) contact details:

I understand that I may be required to pay any expenses you reasonably incur as a result of the assignment and that you will provide me with an itemised account of these expenses if you intend to recover these. I also understand that you may attach reasonable conditions to your consent and that these should be discussed and understood before we proceed with the proposed assignment. These conditions can be set out in your written response.

If you consent, I understand that my responsibilities under the current tenancy agreement and the RTA will continue until the date the assignment takes effect and that my liability will continue for anything done or omitted to be done prior to the date of assignment.

If you consent, I understand that any assignment will need to be agreed in writing and the tenancy agreement will need to be varied to reflect these changes. I also understand that any assignment is dependent on any remaining tenants agreeing to the changes (if applicable).

Tenant signature:

Notes

- › A tenant commits an unlawful act if the tenant assigns the tenancy without the prior written consent of the landlord.
- › Where the tenant has included the details of the person they propose to take over the tenancy, the landlord must respond to the request in writing within a reasonable time period. A response notice template is available on the Tenancy Services website.¹
- › From 11 February 2021 assignment may only be prohibited in a tenancy agreement if the landlord is a social housing landlord as described in section 53B(1)(a) of the Residential Tenancies Act 1986 or if the tenancy was granted before this date. If either of these apply, a landlord can decline to consider the request.
- › The landlord must not withhold consent unreasonably (for example, by unlawfully discriminating), or attach any unreasonable conditions to the consent.
- › Instead of consenting to an assignment, the landlord may offer to accept a surrender of the tenancy on reasonable terms.
- › The Tenancy Services website has information on landlord responsibilities about privacy² and discrimination³.

Delivery date:

DD / MM / YYYY

Delivery method: (tick the applicable delivery method)

- ☐ mail (*allow 4 extra working days)
- ☐ placed into letterbox or attached to the door (*allow 2 extra working days)
- ☐ sent to an electronic address given as an additional address for service after 5pm (*allow 1 extra working day)
- ☐ handed to landlord or sent to an electronic address given as an additional address before 5pm on the date of the notice (the first day of the notice period will be the next calendar day)

Note: Please ensure you keep a copy of this document for your own records.

This request can only be delivered to a physical address or electronic address, email address or fax number that has been provided by the tenant as an address for service in the tenancy agreement. An electronic address is an email address, fax number, mobile telephone number, or instant messaging account through which information can be easily accessed and referred to.

¹ www.tenancy.govt.nz/assets/forms-templates/response-to-request-for-assignment.pdf

² www.tenancy.govt.nz/starting-a-tenancy/new-to-tenancy/pre-tenancy-applications

³ www.tenancy.govt.nz/starting-a-tenancy/tenancy-agreements/discrimination