

Family Violence Withdrawal Notice by Tenant to Landlord/Agent

under section 56B of the Residential Tenancies Act 1986

IMPORTANT INFORMATION FOR LANDLORDS AND AGENTS:

CONFIDENTIALITY: A person who has this document in their possession must ensure that it is stored securely and, if disposed, disposed of securely in accordance with the Privacy Act 2020. This document, and the information included in it, must not be used or disclosed by any person unless permitted or compelled by law.

- › Tenants have the legal right to withdraw from their tenancy without penalty if they are victims of family violence. They must provide a minimum of 2 days' notice and do not need to apply to the Tenancy Tribunal.
- › This notice is considered delivered and received by the landlord from the time it is posted or otherwise delivered (unlike other ending a tenancy notices). The notice period will start the following day.
- › This notice must be accompanied by at least one form of qualifying evidence that the tenant has experienced family violence during the tenancy.
- › The withdrawing tenant must give notice of the withdrawal to any remaining tenants no later than 2 days after their withdrawal from the tenancy. A failure to do this does not invalidate the withdrawal notice.
- › Remaining co-tenants are not required to cover the total rent for the property for 2 weeks following the withdrawal.
- › The information in this notice and any supporting evidence is confidential – it can only be disclosed for limited purposes and must not be shared with any co-tenants or other landlords. Disclosure is restricted by both the Residential Tenancies Act and the Privacy Act.
- › Landlords and agents are required to ensure that this notice and any attached documents are stored and disposed of securely.
- › A landlord may not challenge a family violence withdrawal notice accompanied by qualifying evidence in the Tenancy Tribunal on the point of whether the family violence did or did not take place.
- › More information can be found at tenancy.govt.nz.

To the landlord/ property manager of tenancy address:

Name of tenant withdrawing:

This notice is to notify you that I the tenant intend to withdraw from my tenancy agreement at the above address.

The last day of my tenancy will be: (must be at least 2 days after this notice is delivered).

***Delivery:** By (tick)

- handed to the landlord/ property manager, placed into letterbox, or attached to the door
- mail
- sent via email or fax

* Notice can only be delivered to a physical address, email address or fax number where this has been provided as an address for service in the tenancy agreement. The notice can be delivered by anyone. The withdrawing tenant may wish to take a photograph or photocopy of the letter in case service issues arise.

Date of delivery: (the notice will be deemed delivered immediately and the notice period will start the following day)

For tenancy advice and information visit www.tenancy.govt.nz or call **0800 TENANCY (0800 836 262)**.

OPTIONAL: Please advise how you wish to be contacted by the landlord regarding this withdrawal, including the end of the tenancy if you are the sole tenant (e.g. phone number or email address):

Note to tenant: You must give any co-tenants notice of the withdrawal no later than 2 days after the date of your withdrawal from the tenancy.

Supporting evidence

(As withdrawing tenant you must attach **ONE** of the following documents to support the withdrawal notice and tick the appropriate box to confirm which is being provided):

- a statutory declaration (as under the Oaths and Declarations Act 1957) completed by you (the withdrawing tenant) stating that you have been a victim of family violence during your current tenancy (this must be completed in front of an authorised witness and a template is available on **tenancy.govt.nz**)

OR

- a copy of the first page of a Protection Order if you are the person at risk and the Protection Order was issued during your current tenancy and is still in force

OR

- a copy of the first page of a Protection Order issued before this tenancy started **AND** a completed written statement as follows (which does **not** need to be formally witnessed):

I confirm that I have been a victim of family violence while a tenant at: (address)

Name:

Signature:

Date:

OR

- a copy of a Police Safety Order, if you are the person at risk issued during your current tenancy

OR

- a copy of a police charging document relating to family violence against you that was filed during your current tenancy

OR

- a written statement (by completing the section below), from a prescribed person* stating that they have reasonable grounds to believe that you have been a victim of family violence during your current tenancy

OR

- a statutory declaration (as under the Oaths and Declarations Act 1957) completed by a prescribed person* stating that they have reasonable grounds to believe that you have been a victim of family violence during your current tenancy (this must be completed in front of an authorised witness and a template is available on **tenancy.govt.nz**)

*only certain people are able to provide a written statement or a statutory declaration that will be accepted as qualifying evidence for a family violence withdrawal notice (see the full list below). A withdrawing tenant can provide a statutory declaration but **not** a written statement.

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Written statement from prescribed person (qualifying evidence under section 56B(8)(b))

I state that:

I am (please select one of the following options – select the most relevant option if more than one applies):

- a medical practitioner registered with the Medical Council of New Zealand
- a nurse registered with the Nursing Council of New Zealand
- a midwife registered with the Midwifery Council
- an osteopath registered with the Osteopathic Council
- a psychologist registered with the Psychologists Board
- a psychotherapist registered with the Psychotherapists Board
- a social worker registered with the Social Workers Registration Board
- a counsellor who is a member of the New Zealand Association of Counsellors Incorporated or the New Zealand Christian Counsellors Association
- a person employed or engaged to carry out work for a non-government organisation that provides services relating to family violence and sexual violence
- a care and support worker who is employed or engaged to carry out work that includes going to the home or residence of another person to provide care and support services that are funded by the Crown
- a person employed or engaged to carry out work for an organisation that receives funding from a Whānau Ora commissioning agency to provide services and support to whānau
- a person employed or engaged to carry out work for a Māori community provider that receives Crown funding
- a Māori Warden appointed under the Māori Community Development Act 1962
- a Police employee within the meaning of section 4 of the Policing Act 2008
- a person appointed to be, or designated as, a probation officer under section 24 of the Corrections Act 2004, including a person exercising only some of the functions or powers of a probation officer under that Act
- a barrister or solicitor within the meanings of those terms in section 6 of the Lawyers and Conveyancers Act 2006
- a principal or other professional leader within the meaning of section 10 of the Education and Training Act 2020
- a leader of a religious community who has a status within a church or other religious community that requires or calls for that person to provide guidance or service for that community
- the withdrawing tenant's employer
- the withdrawing tenant's landlord or the withdrawing tenant's landlord's agent

Name:

Occupation/Position:

Business/Organisation Address:

Suburb, Postcode:

I have reasonable grounds to believe that has been a victim of family violence during their current tenancy.

Signature:

Date:

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