[Your Name]

[Street Address/PO Box]

[Suburb]

[City, Post Code]

[Date]

[Neighbour’s Name]

[Street Address/PO Box]

[Suburb]

[City, Post Code]

**RE: A PROPOSED NEW LAW THAT WILL AFFECT YOU**

[Neighbour’s Name]

You will recall raising concerns over the anti-social/harassing/threatening behaviours of [Tenant’s Name] at [Tenancy Address] to me. Rest assured that I am keeping an eye on the situation. I have not ruled out terminating the tenancy if the behaviour escalates. But my right to do so is currently under threat and as the consequence would impact you, I write to bring this matter to your attention.

The Residential Tenancies Amendment Bill 218-1 (2020) is currently at Select Committee stage. While I am supportive of certain elements of it, the provisions of the Bill as relate to the landlord’s ability to terminate a tenancy would likely, in the case of [Tenancy Address], lead to adverse outcomes for both you and me.

Allow me to explain. Currently, I have the ability to issue a 90-day notice to terminate without stating a reason. I don’t state a reason not because there isn’t one but because not having to do so provides a clear pathway to end the tenancy and both parties can move on. In my opinion, 90 days is ample for a tenant to find a new home and a landlord to find a new tenant. I will also point out that my tenant can terminate the tenancy with only a 21-day notice without having to tell me a reason.

If it becomes law, the Amendment Bill will remove the 90-day notice by the landlord completely. What we are left with are a set of approved reasons for termination nearly all of which could be challenged by a tenant at the Tribunal. I see that the government is telling the public that the tenant’s anti-social behaviour is one such ‘approved reasons’. That is grossly misleading.

The Bill provides for termination on the grounds of anti-social behaviour if and only if the following conditions are satisfied:

1. That there must be 3 separate occasions of anti-social behaviour in connection with the tenancy within a 90-day period by the tenant or persons in the premises with the tenant’s permission;
2. That on each occasion, the landlord gives the tenant written notice (meeting very specific formatting, content and service requirements);
3. That the tenant either doesn’t challenge any of the notices at the Tribunal or that none of the challenges succeeds at the Tribunal;
4. That the landlord applies for termination within 28 days after the third notice;
5. That the Tribunal does not consider it ‘unfair’ to terminate; and
6. That the Tribunal does not believe the landlord’s application is made in bad faith.

While I am prepared to issue said notices, I want to let you know that **you could be called upon to give evidence at the Tribunal if any of my notices are challenged or if the Tribunal is simply reviewing the facts that pertain to my application to terminate**. The penalty for failing to answer witness summons will increase from $2,000 to **$3,600**. As I cannot predict human behaviour, I choose to err on the side of caution by bringing this matter to your attention. The Bill could affect your right of quiet enjoyment, wellbeing and even safety.

You may be wondering why I rented to [Tenant name] in the first place. Please let me assure you that all due care was taken during the vetting process and [Tenant name] emerged as the best applicant on merit. Anti-social behaviours are often triggered by certain stressors in life. Unfortunately they do not always present themselves at the application stage. It is not my intention to excuse myself from any accountability but simply to say that I hold the 90-day notice to terminate as a valuable tool which I could rely on in cases where the tenant turns out to be not as I had thought.

**What am I doing about it?**

I am a member of the Auckland Property Investors’ Association. In addition to being a financial contributor to its efforts to lobby against this specific law change, I am also doing my bit by writing to my MP and making an online submission against the Bill. If this Bill does get passed, I will consider terminating the current tenancy at [Tenancy address] should the situation warrant. But I am also mindful that the remedy will be removed once the law comes into effect.

I would like to use this opportunity ask you for your support.

**What can you do about it?**

Locally, we are represented by [MP name]. If you are unsettled by this law change or if you disagree with it, I urge you to contact [MP name]’s office to ask him/her to vote against the Bill.

[Electoral Office phone number]

[Electoral Office email]

[Electoral Office mailing address]

You can also make an online submission against the Bill at <https://bit.ly/386wtfd>. The deadline for submission is the 25th March 2020.

The cynics amongst us would tell you *not to bother* and that the die has already been cast. But I ask you to think of what your quality of life would look like in a scenario where both you and I are stuck with [Tenant name] at [Tenancy address] should his/her behaviour continue to escalate. Please join me on the right side of this cause by taking action today.

You can contact me on [phone number] if you have any further concerns about [Tenant name] or if you wish to discuss this matter.

Kind regards

[You name]