



Application for **eviction warrant**

When should I use this form?

This form lets you apply for a warrant that will enable a bailiff to give possession of residential premises to the person named in a Tenancy Tribunal order. Use this form if the following applies:

- you have a Tenancy Tribunal order saying that possession of residential premises is to be returned to you by a specified date but the respondent has not yet done this.

If you have a District Court judgment use the application for warrant to recover land.

How do I recover money ordered by the Tenancy Tribunal without making a separate enforcement application?

An order for the payment of money may be made in the Tenancy Tribunal order along with the order to give possession of residential premises. If the judgment debt is not paid the applicant can choose to enforce the unpaid debt at the same time as the eviction. The enforcement options to do this are included in this form in Sections D and E.

How do I complete this form?

This form has 5 sections:

- Section A is for information required to process your application. You must complete all the steps in Section A
- Section B is for the date and your signature. You must complete Section B
- Section C is for extra information to assist the enforcement process. You only need to complete the steps in Section C that are relevant to your application
- Section D is for information required to issue an attachment order. You only need to complete the steps in Section D if you want to enforce the judgment debt by attachment order
- Section E is for information required for an assessment of financial means. You only need to complete the steps in Section E if you cannot provide the required information for an attachment order in Section D.
- You can only use this form to apply for **one eviction warrant for one debtor**. If you have more than one debtor, you must file a separate application for each debtor.

Who can sign this form?

You can only sign this form if you are the applicant or their lawyer. Anyone can help you complete the rest of the form.

How much does it cost to make an application?

The application fee is \$200. The court can order the respondent to repay the fee.

KEY WORDS

Below are explanations of some of the words we use in this application form.

Applicant The person or organisation making a claim in the Tenancy Tribunal.

Attachment order A court order requiring an employer to deduct a specified amount or percentage from a judgment debtor's salary, wages or benefit. The deduction is paid directly to the judgment creditor (or other nominated payee).

Financial means A summary of the judgment debtor's income, expenditure and assets for the past 52 weeks.

Judgment creditor The person or organisation money is owed to in a judgment or court order.

Judgment debt The sum of money awarded to the successful party (the judgment creditor) in a judgment or court order. The money is owed to the judgment creditor by the unsuccessful party (the judgment debtor).

Judgment debtor The person or organisation who owes money in a judgment or court order.

Possession order The Tenancy Tribunal may give possession of residential premises to a person or organisation following the termination of a tenancy or where the occupation is unlawful.

Respondent The person against whom a claim is made in the Tenancy Tribunal.

How do I file my application?

You can file your application by post or in person. You must pay the fee with your application. If you want to pay by credit or debit card please complete the payment details section in this form.

By post

Post your application to:
Central Processing Unit,
DX SX10042
Wellington.

In person

See [justice.govt.nz/contact-us/find-us](https://www.justice.govt.nz/contact-us/find-us) for the address of your nearest District Court.

What are the next steps after making an application?

The warrant will be sent to a bailiff to action. The bailiff will contact you to discuss the return of the residential premises to you.

Where can I find more information?

If you need help with this form, you can:

- visit www.justice.govt.nz/fines/about-civil-debt/forms
- email civilenforcement@justice.govt.nz
- call **0800 233 222**.

Paying for your application

You must pay the fee with your application.

Applying in person

If you apply in person at a District Court, you can pay by cash, cheque, or eftpos (Visa or Mastercard credit or debit cards).

Applying by post

If you apply by post, you can pay by cheque, or by Visa or Mastercard. Complete the card details below, or attach your cheque to this page.

Credit or debit card details

Type of card

Visa

Mastercard

Name on card

Card number

Card expiry date /

Payment amount: \$

Once the payment has been processed, we will dispose of this information securely.

Cheque

Attach your cheque here. Make it payable to 'Ministry of Justice'.

Application for eviction warrant

Section A Information required to process your application

You must complete all the steps in this section

1. Provide the court reference number this application relates to

For example, 13/98765/WN

Court reference number

You must attach a copy of the court order if you have not already given the court a copy.

I have attached a copy

I have already given the court a copy

2. Provide the details of the applicant making this application

Full name

Organisation name *(if applicable)*

Office held by authorised officer making application

Do you want your personal information to be kept confidential from the other party? YES NO

If YES, please provide a reason (for example, 'because I'm in the witness protection programme')

Postal address

Street address *(if different)*

Email

Phone: Mobile

Business

Home *(if applicable)*

Indicate your preferred contact address:

my email address

my postal address

my lawyer's address (see Section C)

my debt recovery company's address (see Section C)

3. Provide details of the type of possession order being enforced

This application is made in respect of a conditional possession order

This application is made in respect of a final possession order

If this application is being made in respect of a conditional possession order, complete the following table.

| List the condition(s) in the order | Tell us how the condition was not met by the respondent | Tell us the date on which the condition was not met by the respondent |
|------------------------------------|---|---|
| | | |

4. Provide the names of the respondent(s) to be evicted from the residential premises

| | Full name of respondent | Respondent's date of birth (if known) |
|---|-------------------------|---------------------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

5. Provide the address of the residential premises at which the eviction is to occur

The address described here must match the address in the Tenancy Tribunal order.

6. Provide the date from the Tenancy Tribunal order that you were given possession of the residential premises

For a conditional possession order, this will be the date that the condition was not met.

7. Provide any other information you think may assist the bailiff (eg, dogs at property)

Section B Date and signature

This section must be completed by the applicant or the applicant's lawyer

Your name


Signature _____ Date

Select one of the following:

I am the applicant

I am the applicant's lawyer

Checklist...

| | |
|---|--|
|  | Have you attached a copy of the court order? |
| | Have you signed and dated the form? |
| | Have you attached the application fee? |
| | Do you need to complete Section C, D or E? |

Office use only

Application filed (date and time) _____

Section C **Extra information to assist the application process**

Only complete the steps in Section C that are relevant to your application

1. Provide the details of the lawyer representing you

Name of law firm

Name of lawyer

Postal address

Email

Phone

Reference number

2. Provide the details of the debt recovery company managing the enforcement process for you

Company name

Postal address

Email

Phone

Reference number

Section D Information required to issue an attachment order

An attachment order is a simple, cheap enforcement solution. Use this option if the following applies:

- you have a Tenancy Tribunal order for the payment of money along with the order to give possession of residential premises. The debt has not been paid; or
- you want to claim enforcement costs for making the application for eviction warrant
- you can provide the judgment debtor's date of birth and employment or benefit details
- you must only complete section D or E.

Court reference number

1. Provide the details of the judgment debtor

The judgment debtor is the respondent who owes the money in the Tenancy Tribunal order. Please use a separate sheet if there is more than one judgment debtor.

Full name

Address

Email

Phone: Mobile

Business

Home

2. Provide the judgment debtor's date of birth

Judgment debtor's date of birth

3. Provide the judgment debtor's employment or benefit details

Name of employer: *(If the judgment debtor is on a benefit, write Ministry of Social Development)*

Benefit number: *(If known)*

Employer's address: *(Leave blank if the judgment debtor is receiving a benefit or ACC payment)*

Employer's phone and/or email address: *(Leave blank if the judgment debtor is receiving a benefit or ACC payment)*

4. Tell us how much you want deducted from the judgment debtor's income each pay period

The applicant can specify either an amount (\$) or a percentage (%) to be deducted from the judgment debtor's salary, wages or benefit.

Please note that even though you may specify an amount or a percentage, the Collections registry officer may change this if they do not believe the deduction is sustainable.

| | | | |
|--------------|--------|-------------|---------|
| Amount \$ | Weekly | Fortnightly | Monthly |
| Percentage % | Weekly | Fortnightly | Monthly |

5. Provide the details for payment

Provide the name and number of the bank account to which any payments should be made.

Name of bank

Name of branch

Name of account holder

Account number

Payment reference

6. Provide the details of the judgment debt and any enforcement costs you want to claim

You can claim some of your costs from trying to enforce the judgment or court order. Enter the judgment debt, and costs you want to claim, in the table below.

Debt

| | |
|--------------------------|----|
| Amount of judgment debt | \$ |
| Less amount already paid | \$ |
| Sub-total | \$ |

Interest you want to claim (for debts over \$3000)

| | |
|--------------------------------|----|
| Interest on the remaining debt | \$ |
| Sub-total | \$ |

Enforcement costs you want to claim

| | |
|-----------------------------------|----|
| Fee for filing application | \$ |
| Lawyer costs for this application | \$ |
| Sub-total | \$ |

Total amount owed \$

Section E Information required for an assessment of financial means

The assessment of financial means lets you find out more about a judgment debtor's ability to pay a judgment debt. Use this option if the following applies:

- you have a Tenancy Tribunal order for the payment of money along with the order to give possession of residential premises. The debt has not been paid; or
- you want to claim enforcement costs for making the application for eviction warrant
- you cannot provide the judgment debtor's date of birth and employment or benefit details
- you can provide a phone number for the judgment debtor
- you must only complete Section D or E.

Court reference number

1. Provide the details of the judgment debtor

Full name of person or organisation

Person's date of birth *(if known)*

Phone: Mobile

Business

Home

The judgment debtor's phone number is required for this application.

Address

Do you have an address for the judgment debtor?

Yes, the address is:

This address was current on:

I would like the Ministry of Justice to check its records and, where they are more recent, use the contact details it holds for the judgment debtor.

No, I do not have an address for the judgment debtor. But I have made a confidential address request and the Ministry of Justice has advised that it has found an address for the judgment debtor.

Other contact details

Provide any other contact details for the judgment debtor.

Email

2. Provide the details of the judgment debt and any enforcement costs you want to claim

You can claim some of your costs from trying to enforce the judgment or court order. Enter the judgment debt, and costs you want to claim, in the table below.

Debt

| | |
|--------------------------|----|
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Interest you want to claim (for debts over \$3000)

| | |
|--------------------------------|----|
| Interest on the remaining debt | \$ |
| Sub-total | \$ |

Enforcement costs you want to claim

| | |
|-----------------------------------|----|
| Fee for filing application | \$ |
| Lawyer costs for this application | \$ |
| Sub-total | \$ |

Total amount owed \$

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Provide the name and number of the bank account to which any payments should be made.

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