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**From:** Business Alerts [mailto:BusinessAlerts@hnzc.co.nz];

**Sent:** 12/05/2016 4:13:36 PM

**To:** All Users [mailto:alluse@hnzc.co.nz];

**Subject:** Interim Change to Methamphetamine Process for Termination – use of 90 day Notice and 7 day Notice

## Business Alert for all users



### Change to Methamphetamine Process for Termination – use of 90 day Notice and 7 day Notice

We are going to review the termination process.

**Until this review is completed, the practice of sending both a 90DN and a 7DN must cease with immediate effect.**

#### Current process

The current process for terminating a tenancy where the test report shows methamphetamine levels above the Ministry of Health threshold involves the serving of first a 90 day notice (90DN), followed by a 7 day notice (7DN) on the grounds that the property is uninhabitable. Our primary concern is the health and safety of the tenants and their family.

However, we have received feedback that serving two notices under different sections of the Residential Tenancies Act (RTA) is causing confusion for staff and tenants. Concerns have also been raised about whether concurrent notices can both be valid.

#### Interim changes

The following interim changes now apply to Section 5.4 Step 8 of CA-716 'Managing methamphetamine (P) in Housing New Zealand managed properties' in all cases where we hold a test result above the Ministry of Health threshold.

1. Prior to sending any termination notice, send letter 05-103 recommending the tenant move out in the interests of their health and safety (step 8). A revised letter 05-103 (which no longer mentions the 90DN) is attached and should be used. This will be published on ourSpace shortly.
2. If staff believe the tenant is **not responsible** for the contamination, and following approvals by the Area Manager and Regional Manager, letter 05-104 (7DN under Section 59) should be sent and a BIT transfer arranged (step 8a).
3. If staff believe there is evidence that gives us reasonable grounds to suspect the tenant **is responsible** for the contamination, and following approvals by the Area Manager and Regional Manager, letter 05-105 (7DN under S59A) should be sent. Area staff may still request a review of the evidence by the Tribunal Team's Breach Panel prior to sending this letter. A BIT transfer is not offered (step 8b)