



Residential Tenancies (Unit Title Disputes) Rules 2011

Anand Satyanand, Governor-General

Order in Council

At Wellington this 9th day of May 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 116 of the Residential Tenancies Act 1986, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Application of rules	2
5	Methods of service	2
6	When document to be treated as having been served	3

Rules

1 Title

These rules are the Residential Tenancies (Unit Title Disputes) Rules 2011.

2 Commencement

These rules come into force on 20 June 2011.

3 Interpretation

- (1) In these rules, unless the context otherwise requires,—
2010 Act means the Unit Titles Act 2010
Tenancy Tribunal means a Tenancy Tribunal constituted by section 67 of the Residential Tenancies Act 1986
unit title dispute has the meaning given to it by section 171(1) of the 2010 Act.
- (2) Any term that is defined in the 2010 Act and used, but not defined, in these rules has the meaning given to it by that Act.

4 Application of rules

These rules apply to proceedings for a unit title dispute.

5 Methods of service

- (1) Any of the following methods may be used for serving a document that is required to be served in relation to any proceedings for a unit title dispute:
 - (a) personal service:
 - (b) service by leaving the document at the person's place of residence or business or at the person's address for service:
 - (c) service by post to a postal address supplied by the person for the purposes of the proceedings:
 - (d) service by fax to a fax number supplied by the person for the purposes of the proceedings:
 - (e) service by email to an email address supplied by the person for the purposes of the proceedings.
- (2) If a party to the proceedings is absent from New Zealand, the document may be served on an authorised agent of that party (whether appointed under section 81(2)(a) or 171(3) of the

- 2010 Act or otherwise) using any of the methods in subclause (1).
- (3) If a party to the proceedings is deceased, the document may be served on that party's personal representative using any of the methods in subclause (1).
 - (4) If no address for service is supplied by a party to the proceedings, the party's authorised agent referred to in subclause (2), or a party's personal representative referred to in subclause (3), the document may be served by post to the last known place of residence or business of, as the case may be, the party, agent, or personal representative.
 - (5) If the document is a witness summons, it may be served on the witness personally or by post to the witness's last known place of residence or business.
 - (6) Despite anything in this rule, the Tenancy Tribunal may make an order—
 - (a) directing how a document in the proceedings is to be served; or
 - (b) dispensing with the service.

6 When document to be treated as having been served

- (1) If a document is, in accordance with rule 5, served by sending it by post to a postal address, the document is to be treated as having been delivered on the fourth day after the day on which it was posted, and in proving the delivery it is sufficient to prove that the document was properly addressed and posted.
- (2) If a document is, in accordance with rule 5, served by sending it to a fax number or to an email address, the document is to be treated as having been received on the working day immediately following the date on which it was transmitted, and in proving service it is sufficient to prove that the document was properly transmitted.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 20 June 2011, prescribe the methods for serving documents in relation to any proceedings for a unit title dispute (within the meaning of section 171(1) of the Unit Titles Act 2010).

Section 176(1) of the Unit Titles Act 2010 provides that Part 3 of the Residential Tenancies Act 1986 applies with all necessary modifications in respect of the hearing and determination of a unit title dispute by a Tenancy Tribunal. Section 116 of the Residential Tenancies Act 1986 (which is in Part 3 of that Act) authorises the making of rules to provide for, among other things, the service of documents by parties and intending parties to proceedings before the Tenancy Tribunal. Accordingly, these rules are made under section 116 of the Residential Tenancies Act 1986 for that purpose.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 May 2011.
These rules are administered by the Department of Building and Housing.
