

ANTI-SOCIAL BEHAVIOUR

TENANTS PROTECTION ASSOCIATION (CHCH) INC

LEGAL REQUIREMENTS

- A periodic tenancy
- 3 separate occasions the tenant or a person at the premises with the tenants permission engaged in anti social behaviour
- A written notice on each occasion containing –
 - A description of the behaviour and who engaged in it (if known)
 - The date, approximate time, and location of the behaviour
 - Information regarding how many notices have been given in the last 90 days
 - Advice on the tenant's right to make an application challenging the notice
- An application to the Tribunal within 28 days of the third notice being given

ADDITIONAL REQUIREMENTS

- Must be after s.55A came into force (11 February 2021) [TT 4292276](#)
- Correct notice must be given (not a 14-day breach notice) [TT 4294080](#)
- Must be on the premises [TT 4294370](#)
- Notices cannot be given on the same day [TT 4301453](#)
- Cannot rely on notices successfully challenged by the tenant [TT 4300544](#), [TT 4299316](#)
- Make notices clear, and record when and how they were delivered [TT 4307068](#)
- Harassment [TT 4309488](#)

EVIDENCE

- “He said, she said” [TT 4302171](#)
 - Burden of proof
 - On the balance of probabilities
- Witnesses – [TT 4291921](#)
 - Statements
 - Affidavits
- Heresay [TT 4309601](#)

ASSAULT

- Application under ASB and assault are often successful:
- Does not require multiple occasions
- Not to the standard of proof for criminal
- Assault or threat to assault
- Also –
 - Unlawful activity,
 - damage to property,
 - other breaches