



PROPERTY MANAGEMENT TIPS ON THE MAGISTRATE COURT PROCESS

1. Agents need to be aware THAT despite what they may see as significant delays in being provided with a hearing date - The Courts do have a very heavy work load dealing with criminal and other civil matters - In the Southern Region they do give agents preferred treatment by allocating blocks of time for tenancy matters, keeping delays to a minimum and setting hearing times that will as much as possible alleviate waiting times around the Court for the matter to be heard. Two to four weeks to obtain a hearing is an accepted time delay - Remove the co-operation of the Courts and six to eight week time delays would not be out of the question.
2. Agents also need to be aware that paper work being submitted to the Court must be correct in every aspect. Court staff are NOT there to correct their mistakes – however they have been extremely co-operative in looking over applications for hearings and bringing to attention any errors. They could just as easily accept the applications, let it go through the Court process only to have the case dismissed due to incorrect paper work. This results in the process having to be recommenced, incurring greater time delays and additional losses to our clients.
- 3 Agents also need to make themselves aware of Court procedures and ensure they are properly prepared with all the relevant facts before attending the Court.
The Magistrate will make a determination on the evidence presented. Therefore the evidence needs to be presented in an orderly, legible and professional manner. If photographs form part of the evidence they need to be labelled to detail exactly what the photo is to portray. Agents also need to educate themselves as to provisions of the Residential Tenancy Act and other relevant Act so that they are in a position to act professionally and in the best interests of their clients.
4. Remember whatever you do in property management you do with the thought that the matter could end up in Court – Therefore everything you do, you do properly and diligently - Inevitably one day you will be right it will end up in Court.
5. Above all, respect the process and show respect to the Magistrates Court. Cancelling a hearing at the last minute leaves a Magistrate with a gap in their schedule, and this time is potentially lost forever as they don't have 'reserve cases' to be heard on the 'off chance' your case is withdrawn. Failure to notify the court in a timely manner is viewed as showing no respect.