



Rental properties used in the manufacture of methamphetamine ('P')

What are a landlord's obligations?

The Tenancy Tribunal issued its first decision about a rented property contaminated by being used as a P lab on 11 June 2004. The Tribunal ruled that renting out contaminated premises is a breach of a landlord's obligation to provide premises in a reasonable state of cleanliness. This obligation is set out in Section 45(1)(a) of the Residential Tenancies Act 1986 (RTA).

To ensure they meet those obligations the Tribunal stated that landlords should:

- *Arrange for the property to be cleansed and decontaminated by a professional cleaning company experienced in the removal and neutralisation of hazardous substances and;*
- *Have the property tested by appropriately qualified and analytical chemists to establish that the level of contaminants is within an acceptable level.*

In future, landlords may also be breaching their obligations to comply with all requirements in respect of the health and safety of buildings, under Section 45(1)(c) of the RTA. This is because Police and some local authorities have introduced procedures for the Police to notify local councils when contaminated properties are identified. Those councils would then require owners to decontaminate the property. Failure to do so by the landlord could be a breach of the Act.

Things for landlords and tenants to check before renting a property

Landlords should check for any signs the property been used as a P lab.

The Auckland Regional Public Health Service has identified some warning signs that a lab is operating*. These include:

- Unusual chemical smells that are not normally present in the area
- Numerous chemical containers (labelled solvent, acid, flammable) stored or stock piled
- Stained glass equipment and cookware
- Plastic or glass containers fitted with glass or rubber tubing
- Numerous cold tablet packages lying around or in the rubbish
- Portable gas tanks or other cylinders not normally seen or used in the area
- Chemical stains around household kitchen sink, laundry, toilet or stormwater drains
- Yellow/brown staining of interior floor wall ceiling and appliance surfaces
- Any unusual activity particularly at night

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If there are indications the property has been used as a lab, the landlord should have the premises decontaminated using reputable commercial cleaners for the specific purpose of ridding the property of any contamination arising from the manufacture of P.

Tenants should ask landlords whether the property has been used as a P lab.

Prospective tenants should satisfy themselves the property has not been used as a P lab, or that it has been decontaminated.

Note that Auckland Regional Public Health Service also advises that that no decontamination procedure can guarantee absolute safety.

What if a tenant thinks the rental property has been used as a P lab?

A tenant should obtain as much information as possible to show whether the property has been used this way. This would include talking to the landlord.

If a tenant then wishes to end the tenancy because they believe the premises are contaminated, they can apply to the Tribunal to do so under Section 56 of the RTA. If they want the premises decontaminated, the landlord should be asked to do this. (For more advice on requesting that work be done by a landlord please call Tenancy Services.)

Tenants should also be aware that local authorities have authority under Section 41 of the Health Act 1956 to order the owner of a property to cleanse it, if cleansing is necessary to prevent danger to health or for rendering the property fit for occupation.

What do I do if I suspect or find a P lab?

If you suspect a dwelling or property is being used as a P lab contact the Police.

For further information visit the National drug policy website: www.ndp.govt.nz

**Disclaimer: This information is based on a common sense precautionary approach to the safe management of unknown hazardous substances and contaminated environments. Auckland Regional Public Health Service and the author will not be held liable for any actual or potential economic or adverse effect(s) arising from use of this information.*