



## Tenancy information

**Kia ora and welcome to the Department of Building and Housing!**

### Advice and information for tenants and landlords

If you have problems with rented accommodation, or if you just want information and advice about renting, the Department of Building and Housing can help. We can tell you about your rights and responsibilities as a landlord or tenant. We can also help resolve tenancy disputes.

### Renting and the law

The legal rights and responsibilities of landlords and tenants are set out in the Residential Tenancies Act 1986. The Department's staff can explain how the Act affects you.

### Help for landlords and tenants

The Department provides dispute resolution services, including mediation, to help landlords and tenants solve problems. For tenancy advice and information call 0800 TENANCY (0800 83 62 62), visit [www.dbh.govt.nz](http://www.dbh.govt.nz) or email us at [info@dbh.govt.nz](mailto:info@dbh.govt.nz)

### Some common questions

#### Do I need a written tenancy agreement?

Yes. A written tenancy agreement is required for all tenancies. Both parties (landlord and tenant) are entitled to a copy. Standard tenancy agreement forms are available free from our website, or you can buy them from major bookstores.

#### Are there different types of tenancy agreements?

A property can be rented for a fixed-term period, or the tenancy can be periodic. Most homes are rented as periodic tenancies. This means landlords and tenants must give written notice to end the tenancy. There are also other special types of tenancy such as service tenancies and boarding house tenancies.

A fixed-term tenancy is for a set period of time (for example, six months) and cannot be ended before that time, unless both parties agree, or the Tenancy Tribunal orders it. The fixed-term tenancy automatically becomes a periodic tenancy at the end of the term unless either party gives a notice that says they want the tenancy to finish at the end of the fixed-term. This notice needs to be given no sooner than 90 days before the end of the fixed-term and no later than 21 days before the end of the fixed-term.

#### What is a bond?

A bond is money that a landlord can ask a tenant to pay as security. The bond can be an amount up to the value of four weeks' rent. Some landlords may ask for less.



## **What happens to the bond?**

The law requires that a landlord who takes a bond must lodge it with the Department of Building and Housing within 23 working days of receiving it. Bond Lodgement Forms are available from [www.dbh.govt.nz](http://www.dbh.govt.nz) or by calling on 0800 TENANCY (0800 83 62 62).

If the tenancy is a boarding house tenancy and the bond is 1 week's rent or less then the landlord does not have to lodge it with the Department of Building and Housing but must provide the tenant with a receipt.

At the end of the tenancy, the bond money will be refunded to the tenant, provided the rent has been paid in full and there are no damage claims. The landlord may get some or all of the bond money if rent is owed or the tenant has caused damage to the property.

If you have a dispute over the refund of a bond, call 0800 TENANCY (0800 83 62 62) for help.

The Department handles all bond lodgements and refunds except for some boarding house tenancies. If you have a question about a bond, please call our bond information line on 0800 737 666. Please quote your bond number when you call. You can also see our information sheet '*All about tenancy bonds*' for more information.

## **How much rent can be charged in advance?**

Rent can be charged for a maximum of two weeks in advance. This means that if two weeks' rent is paid at the start of the tenancy, no further rent should be paid until 14 days later.

## **I think my landlord is charging too much rent. What can I do?**

If tenants think their rent is substantially higher than other similar local tenancies, they can apply to the Tenancy Tribunal for an assessment. Market rent data is available on [www.dbh.govt.nz](http://www.dbh.govt.nz). You can also use our subscription service to receive the latest market rent statistics by email at <http://www.dbh.govt.nz/subscribe>

## **What notice should be given for a rent increase?**

In a periodic tenancy, landlords must give 60 days' written notice before increasing the rent. If the tenancy is a boarding house tenancy, only 28 days written notice is required.

The rent cannot be increased more than once every 180 days (about 6 months) at either the start of the tenancy or the last rent increase.

## **What is the required notice to end a tenancy?**

Notice cannot be given on a fixed-term tenancy. For periodic tenancies, a tenant must give 21 days' written notice, unless the landlord agrees in writing to a shorter time. If the landlord gives notice, and the tenant wishes to leave before the termination date of that notice, then the tenant must still give 21 days' written notice. The landlord must give 90 days' written notice in most cases. However, they are permitted to give 42 days' written notice if the:

- property has been sold with vacant possession
- premises are needed for the owner or the owner's family to live in
- property is normally used as employee accommodation and is needed again for that purpose, and this is included in the tenancy agreement.

If the tenancy is provided as part of the tenant's employment, special provisions for notice may apply.

**Who does repairs and maintenance?**

Landlords must maintain the premises. Tenants are responsible for any damage that they, or their guests, cause – either intentionally or carelessly. Tenants must notify their landlord immediately if something needs to be repaired. If you are having trouble getting repairs or maintenance work done, call us for advice.

**Do landlords and tenants have any other rights and obligations?**

Yes, the law also covers discrimination, rent receipts, quiet enjoyment, the sale of premises, the landlord's right of entry, locks, and abandonment of premises.

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