



Investigating landlords and tenants who breach the Residential Tenancies Act (RTA)

The Department of Building and Housing has an Investigating Officer dedicated to ensuring landlords and tenants comply with the Residential Tenancies Act 1986 (RTA).

In many cases, the Investigating Officer educates landlords and tenants about their obligations to comply with the RTA. Specifically, the Investigating Officer:

- investigates complaints about landlords and tenants who breach the RTA
- tells landlords and tenants who breach the RTA about their responsibilities to comply with the RTA.

In cases of persistent non-compliance, the Investigating Office may take further action.

When does the Investigating Officer get involved?

The Investigating Officer will assess complaints made to the Department about landlords and tenants. The Investigating Officer will determine if the landlord or tenant concerned is breaching the RTA.

The Investigating Officer is more likely to take action in situations where the actions of those concerned are likely to affect more than one tenancy, and where documentation establishing the breach is provided or can be obtained.

What are examples of RTA breaches?

Landlords may breach the RTA by writing clauses into tenancy agreements that conflict with the RTA, such as:

- carpets must be professionally cleaned at the end of a tenancy
- tenants must replace fittings such as stove elements, fuses and tap washers as they wear out or become unserviceable
- a tenancy can be terminated with less notice than required in the RTA

Other common breaches include:

- requiring a bond that is more than four weeks' rent
- not lodging the bond properly
- conducting property inspections without giving proper notice
- ending a tenancy without giving proper notice.

People often do not realise they are breaching the RTA, and the Investigating Officer's main purpose is to inform and educate landlords and tenants about their responsibilities under the RTA.

What are the benefits of complying with the RTA?

- Tenants who comply with the RTA may have fewer problems with their landlords, and may be able



- to retain the properties they want to live in; they may also spend less time dealing with disputes with their landlords.
- Landlords who comply with the RTA will be better able to attract and retain the tenants they want. Their properties are likely to be looked after, and less frequent tenant turnover means lower costs incurred in finding tenants. They may also spend less time and expense on dispute resolution.
- Organisations such as the Real Estate Institute of New Zealand (REINZ) and the New Zealand Property Investors' Federation (NZPIF) may protect the integrity of their organisations by ensuring their members comply with the RTA, and the Investigating Officer can help with this.
- The integrity of the rental market as a whole is maintained if landlords and tenants who fail to comply with the RTA are identified and required to comply.

How can I contact the Investigating Officer?

You can contact the Investigating Officer by:

- phone: 0800 222 012
- email: rta.compliance@dbh.govt.nz
- fax: 04 237 6351