



The Tenancy Tribunal

What is the Tenancy Tribunal?

The Tenancy Tribunal is established under the Residential Tenancies Act 1986. It decides on problems that landlords and tenants can't solve themselves.

At a Tribunal hearing, a tenancy adjudicator listens to each person, hears any witnesses, looks at any evidence presented, and then makes a decision.

The adjudicator writes down their decision as a Tribunal order. The adjudicator's decision is like a court order and both sides must obey it. These orders are public information and are published on www.tenancytribunal.govt.nz and available from the District Court where the order was made.

The Tenancy Tribunal works in public. Both landlord and tenant can take support people with them, but it is unusual to be represented by lawyers.

How can I make an application to the Tenancy Tribunal?

You can make a Tenancy Tribunal application online at www.dbh.govt.nz and pay the \$20 application fee with a Visa or MasterCard.

You can also complete a paper application form and send it by:

- mail to PO Box 50546, Porirua
- fax to 04 237 1058
- email to ttapplications@dbh.govt.nz

You must pay the \$20 application fee before submitting your application. You can pay at any Westpac branch (by eftpos, cash or cheque) or at the Department of Building and Housing in Auckland, Manukau, Hamilton, Wellington or Christchurch (eftpos only).

Do I have to attend the hearing?

Yes, you must attend the hearing. If you are the applicant and do not appear, the application will be dismissed. If you are the other party and do not appear, your view will not be heard and the Tribunal will still be able to make an order, which means the tenancy may be terminated in your absence or you may have to pay money to the other party.

After you apply, the Department of Building and Housing will send a notice of hearing. The notice will contain details about the complaint and the hearing date, time and location.

What happens at the Tenancy Tribunal?

Both landlord and tenant tell their story. You may find it useful to write down all the facts so you can present them briefly and clearly. You may be questioned by the adjudicator and the other party.



If you have witnesses, they can be called to give evidence. If your witnesses are unable to attend, contact the Ministry of Justice to discuss special provisions. Unsworn statements or letters from witnesses might be admitted as evidence but may not carry as much weight.

The adjudicator will listen to the witnesses, analyse the evidence presented, then make a decision. You may be given a copy of that decision immediately or one will be posted to you.

What do I take to the hearing?

You need to present any evidence that supports your claim. It is a good idea to have two extra copies of all evidence ready for the adjudicator and the other party. If you are the applicant, you should have provided copies of your tenancy agreement, a summary of rent arrears and any 10 working days' notices you served (if applicable) with your application. Take your original documents, along with any supporting evidence, to the hearing.

Other supporting evidence may include such things as tradesperson quotes, bank statements, accounts, inspection reports, rent book, photographs or letters.

If you are planning to bring any witnesses, make sure you let the Department of Building and Housing know in advance so they can advise the court. Your witnesses will need to wait outside the courtroom until they are called to give their evidence. If someone refuses to come, you can ask the Ministry of Justice for a Witness Summons so they have to come. You can have a friend or family member with you for support, but if they are in the courtroom with you they cannot be a witness or say anything.

When will I get a decision?

In some cases, if the decision is simple and straightforward, you will get a decision immediately after the hearing. Otherwise, the decision must be written up by an adjudicator and will be posted out to you as soon as possible.

What happens if people don't obey the Tribunal Order?

Tenancy Tribunal orders can be enforced by the bailiffs. If you need help enforcing an order, contact the Collections Unit of the Ministry of Justice or read about your options in the brochure *Enforcing a sealed mediator's order or Tenancy Tribunal order* available at www.dbh.govt.nz

What happens if things get sorted out before the hearing?

Please contact the Department of Building and Housing on 0800 TENANCY (0800 83 62 62) immediately if your dispute gets resolved, so that we can use the hearing time for someone else.

Where can I find more information?

For tenancy advice and information call 0800 TENANCY (0800 83 62 62), visit our website www.dbh.govt.nz or email us at info@dbh.govt.nz

For more information about the Tenancy Tribunal, visit <http://www.justice.govt.nz/tenancy-tribunal/index.html>