



Department of  
Building and Housing  
*Te Tari Kaupapa Whare*



# Sorting out renting problems

0800 TENANCY (0800 83 62 62)  
[www.dbh.govt.nz](http://www.dbh.govt.nz)



This brochure explains what residential tenants and landlords can do when they have a problem, and what help is available to sort things out. You can contact the Department of Building and Housing for advice and information by calling 0800 TENANCY (0800 83 62 62) or visiting our website [www.dbh.govt.nz](http://www.dbh.govt.nz)

## **THE BEST WAY TO SOLVE PROBLEMS IS TO TALK ABOUT THEM**

Problems between landlords and tenants sometimes happen. Often problems arise because of a simple misunderstanding or a mistake.

The best way to solve problems is to talk about them with your tenant or landlord. The sooner you do this, the easier it can be to sort it out.

Before talking to your tenant or landlord:

- make sure you are clear about what your concerns are. Sometimes writing down what the problem is can help explain it to the other person.
- be ready to suggest what you think a good solution might be. Describe the problem carefully and give a reasonable amount of time for it to be put right. You can use a 10-working-day letter. Examples of these are available from the Department of Building and Housing – visit [www.dbh.govt.nz](http://www.dbh.govt.nz) or call 0800 TENANCY (0800 83 62 62).

## **THE DEPARTMENT OF BUILDING AND HOUSING CAN HELP**

The Department of Building and Housing can give you advice about ways to deal with problems yourselves. We can also tell you what the renting law (the Residential Tenancies Act) says about the problem. Just call us on 0800 TENANCY (0800 83 62 62).

But if you need more help to sort out a tenancy dispute, we also offer a mediation service for tenants and landlords.

## **IF YOU CAN'T AGREE YOURSELVES, COME TO MEDIATION**

Mediation is a process where you and the other person have the opportunity to discuss the problem, and agree on your own solution by talking together with a mediator.

The mediator will help you identify the issues, and reach a workable solution.

Mediators know a lot about tenancy issues and they will guide you through the process, but they don't decide anything for you. This is different from a Tenancy Tribunal hearing where the adjudicator will make a decision, and tell you both what will happen.

Agreements made in mediation can be legally binding, so you won't have to go to the Tribunal if you get a mediator to help you talk with your tenant or landlord and sort out the problem there.

## **How to apply for mediation**

If you need help to sort out a renting problem, fill in an 'Application for order of the Tenancy Tribunal' form and send it the Department of Building and Housing. There is an application fee of \$20 and instructions on how to pay this are on the application form.

Please include copies of the following items with your application.

- Your tenancy agreement
- Rent arrears summary, if applicable
- Ten-working-day letter, if applicable

Call 0800 TENANCY (0800 83 62 62) or visit [www.dbh.govt.nz](http://www.dbh.govt.nz) for tenancy forms and information.

Once we have received your application we will arrange mediation for you.

## **Who is the mediator?**

Mediators are specialists in helping people sort out tenancy disputes, and can help you with questions about renting law.

Mediators are not lawyers, judges or counsellors, and they are independent and unbiased.

## **What happens at mediation?**

Mediation can be by phone or in person. This will depend on the type of renting problem you have.

The mediator will:

- help you talk with and listen to each other
- encourage you to discuss all the issues and options for sorting things out
- help you reach an agreement you both think is fair.

The mediator may also give information about parts of the law, if that will help your discussion.

When an agreement is reached, the mediator can write it down and give copies to both of you. The agreement is legally binding and will usually say what happens if it is broken. To make the agreement enforceable it can be stamped or 'sealed' by the Tenancy Tribunal.

## **Why use mediation?**

- It's a way to get things sorted out quickly. A mediation appointment can be set up more quickly than a Tribunal hearing. Some simple disputes may be suitable for immediate phone mediation.
- It's less formal than going to the Tribunal. Mediated agreements are made with both the tenant and the landlord being fully informed of all their rights and responsibilities, and there is a clear understanding of what the agreement means. Tribunal hearings are conducted by the Ministry of Justice and are more formal than mediation.

- You decide between you and the other party what will happen – you don't get told what to do. When people contribute to the decision themselves, they are likely to be more committed to making it work.
- It's confidential. No one else has to know what you said in mediation.
- The result is legally binding and enforceable through the Court system, if necessary.
- Mediators are specialists with experience and skills in working with tenancy disputes. They can help you sort out your renting problem.

### **What if you can't agree at mediation?**

Most problems are sorted out at mediation, but if you don't reach an agreement there the next step is to go to the Tenancy Tribunal for a hearing. The Tribunal is part of the Ministry of Justice, and an adjudicator will make a final decision for you both. Tribunal hearings are open to the public.

### **CALL US FOR MORE INFORMATION**

For more information about mediation or for advice on a specific renting problem, call 0800 TENANCY (0800 83 62 62) or visit [www.dbh.govt.nz](http://www.dbh.govt.nz)

If you have a question about a tenancy bond, call 0800 737 666.

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[www.dbh.govt.nz](http://www.dbh.govt.nz)

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### **Disclaimer**

This brochure does not cover every situation and should not be regarded as legal advice. Please call the Department of Building and Housing on 0800 TENANCY (0800 83 62 62) for advice on a specific problem.

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