



All about mediation

Many disputes between tenants and landlords can be sorted out at mediation.

Mediation is a phone call or meeting organised by the Department of Building and Housing to help landlords and tenants talk about their problem and work out a solution that suits them both.

Mediation helps landlords and tenants find a solution to a problem without having to go to court. It is a way to get things sorted out quickly, and is less formal than going to a Tenancy Tribunal hearing held at the District Court. You don't get told what to do – you decide between yourselves what will happen. It's also confidential, so no one else has to know what was said in mediation.

In most cases, Tenancy Tribunal applications are streamed to either our SWIFT telephone mediation service or scheduled telephone mediation. This is a quicker and more cost effective solution for everyone involved. Our face-to-face mediation service is still available when required.

What is SWIFT?

SWIFT is an express telephone mediation service that enables tenants and landlords to resolve straightforward disputes faster. Through SWIFT, disputes can be resolved within 24–48 hours (excluding weekends) of an application being made.

An example of the types of disputes that can be mediated through SWIFT is an application for rent arrears where both the tenant and landlord agree that rent is behind and they require mediation to reach an agreement about how the arrears will be paid.

These mediations normally happen when parties are at their home or workplace.

Scheduled telephone mediation

Scheduled telephone mediation is when a conference call is made with both parties on the phone along with the mediator. Parties participate in the same way as they would in a face-to-face mediation. The mediator will generally initiate this call to get everyone connected together.

Face-to-face mediation

Face-to-face mediations tend to happen for complex disputes where there is more than one reason for the application, where there is disagreement on the issues or where both the landlord and tenant have made an application.

What to bring to your mediation appointment

You need to have copies of any documents relating to the problem. Depending on the problem, things like photos, rent records, 14 day notices to remedy if one has been served and receipts for work done can be useful.

You don't need to convince the mediator of anything, but you do have to convince the other party that what you are saying is fair and reasonable.





Before the mediation, you need to think about possible solutions to the problem and be prepared to consider the other party's suggestions as well.

What happens at mediation?

A mediator will help you discuss the problem and come up with a solution.

The mediator will help you talk with, and listen to each other, answer any questions about renting law and help you reach an agreement you both think is fair. Mediators know a lot about tenancy issues, but they don't make decisions for you.

If you want to have someone else with you, you can bring a friend or support person. If everyone agrees, that person can come into the meeting. However, this person will not normally have the right to speak.

What happens if you reach an agreement?

If both parties agree, the mediator can write down the agreement and give you a legally binding mediated order that usually says what happens if it is broken. Mediated orders are confidential. If either person does not live up to what was agreed, then the mediated order can be enforced as a Tribunal order through the Collections Unit at the District Court.

What happens if you can't agree?

If both parties don't agree to a solution through mediation, the problem can be referred to the Tenancy Tribunal for a Court 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 and orders made by the Tribunal are public information and are available online at www.tenancytribunal.govt.nz. Some landlords check this website when choosing tenants.

Dispute Resolution Toolkit

The Department encourages landlords and tenants to resolve issues between themselves wherever possible.

The Department has an online toolkit providing landlords and tenants with guidance on how to prevent, and how to sort out, tenancy problems. The toolkit includes practical tips, checklists and tools you can use at each stage of the tenancy

To view the online Dispute Resolution Toolkit visit www.dbh.govt.nz/dispute-resolution-toolkit

What happens if the dispute is sorted out before mediation?

Disputes are often resolved between landlords and tenants before the scheduled mediation appointment. In these circumstances, either party may contact the SWIFT mediation team, by calling 0800 TENANCY (0800 83 62 62), to discuss the details of the settlement and to possibly have it formalised as a Mediator's Order.

For more information on the laws about renting, or for advice about a specific renting problem, visit www.dbh.govt.nz or call 0800 TENANCY (0800 83 62 62).

