

20 **RPMA**
24 CONFERENCE
AUCKLAND



GUEST SPEAKERS

JENNY ROBSON

TENANCY TRIBUNAL

REYMOND SUEN

MBIE

Update from Tenancy Tribunal & MBIE.

Tenancy Tribunal

Jenny Robson – Principal Tenancy Adjudicator

Tenancy Tribunal

August 2024

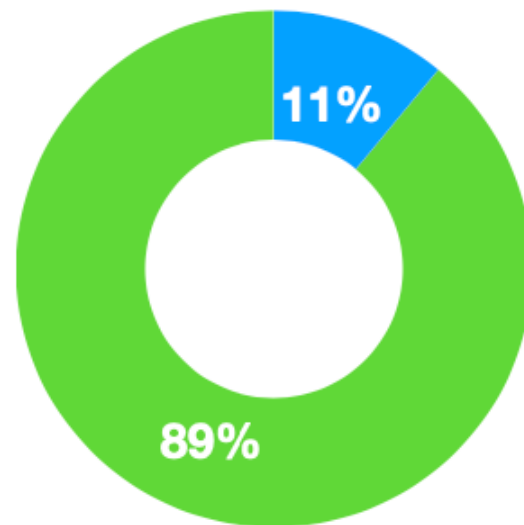
Tenancy Tribunal

- Comprises 55 adjudicators across New Zealand;
- Adjudicators are independent Judicial officers, and not employees of MOJ or MBIE.
- Consider disputes under the Residential Tenancies Act 1986 and the Unit Titles Act 2010;
- Jurisdiction of \$100,000.00;
- Receives 25,000 applications per year, of which about 16,000 come to the Tribunal for hearing;;
- Operates using a fully electronic case management system, Resolve.

Tenancy Tribunal

- 50% of all applications concluded within 35 days of application lodgement
- Value of claims in the year to June 2023 was \$71,000,000
- 17% increase in claims going to hearing over the past year (+1,826)
- But we are working more efficiently. The average age of open cases has reduced by 7% over the year
- 40% of hearings conducted remotely in March 2024 (video 254, telephone 228)
- 98% of work RTA, 2% UTA

**89% of applications
concluded within 90
days of filing (YTD)**



Tribunal process - overview

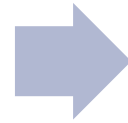
Application filed with
Tenancy Services
(MBIE), initial
management

Transfer to Ministry of
Justice prior to
hearing

Hearing before
adjudicator.

Tribunal process – Tenancy Services

Application filed



Initial management

Application filed online or physically

Application assessed

Special requests raised (eg, interpreters, teleconference)

Schedule to mediation or adjudication using guidelines

Send hearing notices

Manage further queries or receive updated evidence filed

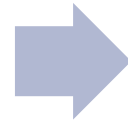
Tribunal process – Ministry of Justice



- 5 days prior to hearing receive file
- Pre-hearing management (adjournments, further evidence)
- Provide and maintain hearing rooms. Support adjudicators
- Registrar support for adjudicator during hearing
- Receiving and managing rehearing and appeal requests

Tribunal process – Adjudicators

Case management



Determine dispute

Manage pre-hearing requests

Provide directions as needed

Conduct hearing (in person, phone or video)

Draft and issue decision

Address post hearing issues including rehearings

Remote hearings

- All applications assessed by Tenancy Services using guidelines provided by Tribunal.
- If assessed as needing less than 120 minutes hearing, then most are suitable for remote or video hearing.
- Remote hearings by telephone or Teams video.
- Currently up to 12 adjudicators conducting remote/video hearings each day.
- Over 40% of the hearings conducted remotely

Remote hearing claim types

- Almost all applications that fall within the 120min time frame are suitable for remote/video hearing.

Remote hearings not suitable for:

- Matters involving interpreters
- Any application where it is indicated that witnesses are required
- Any party with communication difficulties
- Where there is significant documentary evidence or photos to be relied on to present their case
- Where a party indicates they would have difficulty connecting by phone
- Some claims for antisocial behaviour or assault.

Future direction with remote hearings

- To increase the number of hearings that can be conducted remotely or by video
- Regular assessment of remote/video hearing guidelines.

Getting the most out of remote hearings

- Make sure we have the phone number you want used. If you have an updated number for the tenant, we need that also.
- Be on time. If a phone hearing we will phone you, if video you need to click the link on your hearing notice.
- If you have photos or evidence to consider, send them to the tenant and Tribunal ASAP.
- Don't overtalk, it can be difficult to conduct hearing when parties are speaking over each other.

Tenancy Services

Tenancy Services Updates

RPMA Conference
August 2024





Tenancy Services Updates

- Overview of Tenancy Services
- Update on law changes
- Update on the Bond Transformation Programme
- About Tenancy Dispute Resolution
- Updates for property managers and landlords
- Panel session with Tenancy Compliance & Investigations



MBIE as part of our housing system





Tenancy Services as part of MBIE

Tenancy Services

Tenancy Services aims to help tenants and landlords act with confidence, build good relationships and solve any problems that may arise during your tenancy.

Key functions of Tenancy Services include:

- Tenancy Bond Service
- Tenancy Dispute Resolution
- Tenancy Compliance & Investigation
- Information & Education
- Service Centre – 0800 TENANCY

Unit Title Services

Unit Titles Services aims to help people who are considering buying or living in a unit title property to understand their rights and responsibilities, where to find information and how to seek help if things go wrong.



Update on law changes

Keep up to date on the latest legislative requirements:

tenancy.govt.nz/law-changes

unittitles.govt.nz/law-changes

- **Healthy Homes Standards** final compliance deadline for all private rentals is by 1 July 2025, or within 120 days of a new or renewed tenancy, whichever is earlier.
- **Unit Titles Act** changes and new regulatory powers now in force.
- For updates and consultation on proposed law changes, visit the Ministry of Housing and Urban Development website: hud.govt.nz



Te Riu Kairangi – Bond Transformation Programme

Work is now underway to replace the current tenancy bond system with one that uses new digital solutions to give our customers an improved service and experience.

Visit Tenancy Services website, or subscribe to our bi-monthly email newsletter, for the latest updates on this project and future opportunities to provide feedback:

tenancy.govt.nz/about-tenancy-services/tenancy-bond-services-transformation

tenancy.govt.nz/subscribe



Tenancy Dispute Resolution

Providing Dispute Resolution services that support the residential market to ensure the provision of stable and healthy homes.

Our role:

- Process residential tenancies (RTA) and unit titles (UTA) dispute applications
- Undertake RTA and UTA mediation via in person, by phone or Video Conference
- Schedule and coordinate Tenancy Tribunal applications and hearings with Ministry of Justice

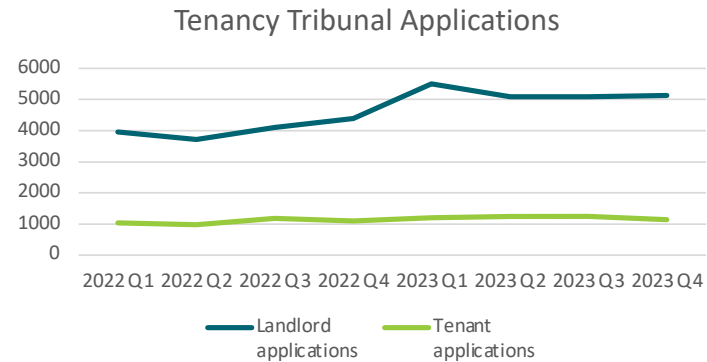
Ministry of Justice's role:

- Delivery of Tenancy Tribunal operations



Dispute Resolution Statistics

	Landlord applications	Tenant applications
2022 Q1	3963	1033
2022 Q2	3716	978
2022 Q3	4111	1186
2022 Q4	4387	1090
2023 Q1	5503	1194
2023 Q2	5079	1239
2023 Q3	5089	1246
2023 Q4	5140	1142



Overall, top tenancy disputes remained consistent through this period:

1. Rent Arrears
2. Refund Bond
3. Termination / Possession
4. Compensation / Damages
5. Outgoing

tenancy.govt.nz/about-tenancy-services/data-and-statistics



Dispute Resolution Statistics

Other key statistics and trends for FY22/23 (July 2022 – June 2023):

Tenancy mediations

- 17,913 scheduled (80.6% increase year on year)
- 86.3% settlement rate
- 16.5 average working days from application submitted to date of mediation

Tenancy Tribunal hearing

- 10,951 Tenancy Tribunal hearing scheduled (12.5% increase year on year)
- 45.9 average working days from application submitted to decision by Tenancy Tribunal

Unit titles disputes

- 215 of unit titles dispute applications received (22% increase year on year)
- 16 of unit titles mediation held (77% increase year on year)



Dispute Resolution Statistics

Other key statistics and trends for FY22/23 (July 2022 – June 2023):

- 30% resolution rate when our Early Resolution service offered
- Increasing complexities with applicants and application means more time needed to resolution
- Wait time for Tenancy Tribunal hearing in Auckland increasing
- Unit titles dispute applications increase – home owners v's tenants, resolution often requires in-person attendance and often multi-issue disputes



Tenancy Compliance and Investigations

The Tenancy Services Compliance and Investigations Team monitor and enforce compliance with the Residential Tenancies Act 1986 (the Act).

Our role:

- We proactively engage with landlords and property management companies to assess their business processes and systems for compliance with the Act.
- Where serious or ongoing breach is identified, the team uses a number of interventions and enforcement activities to make sure landlords comply with their obligations under the Act.



Compliance and Investigations Statistics

Other key statistics and trends for FY22/23 (July 2022 – June 2023):

- 3,025 proactive and reactive cases closed (22.9% increase on year)
- 197 detailed assessments resolved (25.4% increase on year)
- 551 reactive compliance cases resolved (52.2% increase on year)
- Tenants, community agents and partner agencies are more willing to come forward with tenancy issues
- We want to work with landlords and property managers to ensure they understand their obligations and are willing to resolve issues promptly to ensure that rental homes are warm, dry and safe.



Common Compliance Issues

- Unenforceable clauses in tenancy agreements, e.g. requiring carpets to be commercially cleaned at the end of tenancy.
- Incomplete, or the lack of, tenancy agreements, required statements or bond lodgement forms.
- Improper use of extension, renewal or variation to a tenancy agreement.
- Incorrect, or the lack of, notice to tenants before arriving on property for inspection or maintenance.
- Non-compliance with healthy homes standards and the smoke alarm requirements.
- Not attending to maintenance issues in a timely manner, or maintenance work not carried out by a licensed practitioner where required.
- Non-compliance in boarding house properties and tenancies, and in service tenancies.



Common Compliance Issues

- A lack of understanding in the industry of the difference between a boarding house and residential tenancy.
- A rise in subletting situations where a tenant enters into a residential tenancy but then sublets either an entire property or provides room by room tenancies but is unaware/or ignores that they have become a landlord.
- Compliance with the Healthy Homes Standards and an over-reliance on exemption reasons provided by contractors that are not well-evidenced.
- Poor quality homes with rent well above the market standard, this is particularly problematic in smaller towns and cities.



Our work with the property management sector

Information & Education:

- Build the right knowledge, skills and attitude landlords and tenants need to do the right thing, at the right time, with ease and confidence.
- Influence compliance and behaviour change in the market via information products, education campaigns and community/sector partnerships.

Compliance & Investigations:

- Safeguard public trust and confidence in housing and tenancy markets.
- Monitor and enforce compliance with the landlord and tenant obligations.
- Reduce harm and improve wellbeing through better quality of housing.



Tenancy Services

tenancy.govt.nz



Unit Titles Services

unittitles.govt.nz

