

Types of Tenancy Tribunal orders

The Tenancy Tribunal can issue different types of orders after mediation or a hearing. This depends on what needs to be done to fix the issue.

Once the Tribunal has made their decision they will issue one of the following:

- a mediator's order (not sealed)
- a sealed mediator's order
- a Tenancy Tribunal order.

There are different types of orders

The most common types of orders are those ordering tenancies to end, money to be paid or work to be done. For example, the Tribunal can order a tenant to pay overdue rent, or a landlord to repair a property.

The Tribunal can award compensation or order work to be done up to a value of \$50,000. Claims for more than this can be filed through the District Court.

Orders to regain possession of a property

The Tribunal can order a tenancy to end and a tenant to leave the property. This can happen if the tenant has:

- abandoned the tenancy
- become more than 21 days behind in rent
- substantially damaged the property or is threatening to do so
- assaulted or threatened to assault the landlord, their family or agent, other tenants, or neighbours
- broken the tenancy agreement by not putting something right after receiving a 14-day notice to remedy.

Monetary orders

The Tribunal can order a landlord or tenant to pay money to the other person. These are called monetary orders.

Examples include:

- payment of overdue rent
- refund of overpaid rent
- payment for damage, cleaning, gardening or rubbish removal
- reimbursement of costs, such as urgent repairs
- payment of exemplary damages (a penalty) for legal breaches. For example, not paying the bond to Tenancy Services, seizing a tenant's goods or denying legal access to the property
- compensation for loss of goods, or loss of use through poor repair.

If you have asked for money to be paid as part of your Tribunal application, this will become a monetary order. This happens if both people agree to it at mediation or if it is ordered by the Tenancy Tribunal. You don't have to ask for it separately on your application.

Orders to get work done

The Tribunal can order a landlord or tenant to do maintenance work or repair damage.

A work order can also allow the applicant to:

- undertake the work themselves
- charge the cost to the other person and
- give timeframes in which the work must be done.

A landlord or tenant can't pay off the other person instead of obeying a Tenancy Tribunal work order, if it relates to health and safety. This includes smoke alarms and insulation requirements.

Some work orders will say that a tenant must do work by a certain date. If this doesn't happen the landlord can get the work done to the value of the order. They can also treat these costs as rent arrears.

If a tenant has a work order that says a landlord must do work and this doesn't happen, the tenant can:

- pay MBIE the rent until there is enough to do the work
- do the work and offset the cost against their rent.

Only the Tenancy Tribunal can decide whether to offer these options. If they do the landlord or tenant must ask the Tribunal to include it in the order.

Orders for the payment of bond

The Tribunal can order how much bond should be paid to each person involved in a bond refund dispute.

Orders for debt recovery costs

The Tribunal can order a landlord to claim expenses they had to pay to recover debt from the tenant. This happens when the Tribunal has ordered the tenant to repay a debt to the landlord. A landlord can only claim these expenses if the tenancy agreement says they can.

Order for compensation

The Tribunal can award compensation if a person has suffered a loss. The loss must be caused by something the other person did or didn't do. For example, a landlord disposed of a tenant's goods without going through the proper process. This then caused the tenant to lose something valuable.