

Resolving issues through the Tenancy Tribunal

The Tenancy Tribunal specialises in disputes between landlords and tenants.

If you are unable to resolve the issue by talking directly with the other party, you can file an application to the tribunal. That can be done online at dhb.govt.nz/tenancy-index or a lawyer can assist you to make your claim.

There is a \$20.44 fee that can be paid online, at any Westpac bank or at the Ministry of Business, Innovation and Employment offices in Wellington (and other main centres).

The application needs to set out what you are claiming and why.

That needs to be done in a logical and clear way so the tribunal adjudicator can follow your claim.

You will need to provide supporting documentation with your application. You should include all relevant papers to assist the tribunal reach a decision.

Once the application is filed, a copy will be sent to the other party. It then files a response. The tribunal will check with the parties whether other people need to be included in the claim and that copies of all relevant documents have been exchanged.

Once that has been completed, the tribunal will set a date for the hearing. If the date is not suitable, you need to contact the tribunal immediately to explain why and seek to have another date or, in some cases, to give your evidence from another centre by video link.

For matters involving less than \$6000, it is not usual to have lawyers representing the



LEGAL MATTERS

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own claims for the less complicated matters.

Even though lawyers do not appear in the less complicated matters, you can still seek assistance in preparing for the hearing.

Getting help in presenting your evidence and what to ask the other party may be a good idea if you are unsure what to do.

The tribunal can deal only with matters up to \$50,000. Claims over that limit or filed with the District Court (up to \$200,000) or High Court.

You will have to attend the hearing to give your evidence. The other party must also attend if they want to give evidence or make submissions. Any witnesses also have to attend.

An affidavit can be introduced as evidence, but carries little weight if the evidence is contested by a witness present.

That is because a written affidavit cannot be tested by questions from the adjudicator or parties, unlike a witness who attends.

The tribunal adjudicator will listen to the parties and witnesses and ask questions.

It helps if you have written down what you want to say so you get it out clearly and logically and do not forget import-

It is a good idea to make a list of questions you wish to ask so you do not leave any out.

The adjudicator will make a decision after listening to all the evidence, but that may not be on the day of the hearing for more complicated matters.

You will be sent a copy of the decision, which will set out the adjudicator's reasoning.

Decisions can be appealed to the District Court. If the other party does not comply with the decision, you can take steps to enforce compliance.

It asks what can be done about ensuring the person appointed by a power of attorney reports to other members of the family.

It can be difficult in family situations when one child/sibling is granted an Enduring Power of Attorney and that leads to issues within families to do with withholding of information from others etc.

There are options when setting up Enduring Powers of Attorney for the person giving away the power (the donor) to require their appointed attorney to provide information to other children/siblings and/or consult with their other siblings before making decisions.

It is also important to be aware that you can appoint more than one attorney in relation to a Property Enduring Power of Attorney.

In relation to a Personal Care and Welfare Enduring Power of Attorney, you can appoint only one attorney though, so it is important your lawyer discusses your options with you in depth.

■ Column courtesy of Rainey Collins Lawyers, phone

parties, unless the tribunal agrees to that.
People usually handle their

ant information. Each party can also ask questions of the witnesses.

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