

Title	Demonstrate knowledge of the role of the Tenancy Tribunal and manage tenancy disputes		
Level	4	Credits	10

Purpose	<p>This unit standard is for people who operate in residential tenancy and property management.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – demonstrate knowledge of the Tenancy Tribunal; – demonstrate knowledge of mediation in dispute resolution; – explain the Tenancy Tribunal hearing process; – resolve a tenancy dispute; – apply the mediation process to a residential tenancy dispute; – prepare a case and explain related processes for a Tenancy Tribunal hearing; – explain the process for appeals and rehearing for a Tribunal decision; and – explain the enforcement process of an Order.
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Classification	Real Estate > Residential and Commercial Property Management
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Available grade	Achieved
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Guidance Information

- 1 References

Property Management Institute of New Zealand (PROMINZ). *Code of Practice and Code of Ethics*, available at <https://propertyinstitute.nz>.

Real Estate Institute of New Zealand Inc. (REINZ). *Code of Practice for Residential Property Management (Code of Practice)*, available at <http://www.reinz.co.nz>.
- 2 Legislation

Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012;
Residential Tenancies Act 1986;
and all subsequent amendments and replacements.
- 3 Definitions

FastTrack Resolution is a process provided by the Tenancy Services.

Industry practice refers to activities of experienced, competent property management personnel which are in accordance with the Code of Practice and the Residential Tenancies Act 1986.

Landlord refers a person who has offered to grant tenancy to any other person, or who has entered into negotiations with any other person for the granting of a tenancy to that person.

4 Assessment Information

Assessment against practical aspects in this unit standard must be based on evidence of demonstrated performance in the workplace or in simulated workplace situations designed to draw upon similar performance that is required in the workplace.

Outcomes and performance criteria

Outcome 1

Demonstrate knowledge of the Tenancy Tribunal.

Performance criteria

1.1 Explain the role of, and the types of Orders made by the Tenancy Tribunal in accordance with the Residential Tenancies Act 1986.

Range Orders include but are not limited to – possession, termination, monetary, work.

1.2 Explain how you would inform a landlord of the different outcomes available through the Tenancy Tribunal.

Range outcomes available may include but is not limited to – Tenancy Tribunal versus mediation, claims by landlords, claims by tenants, claims by the Chief Executive/tenancy compliance investigation team, cross applications, and potential consequences of frivolous claims.

Outcome 2

Demonstrate knowledge of mediation in dispute resolution.

Performance criteria

2.1 Identify and describe mediation services available to a landlord and a tenant to resolve a dispute.

2.2 Explain tenancy dispute resolution by mediation in accordance with the Residential Tenancies Act 1986.

Range may include but is not limited to – filing of application, role of mediator, notice of mediation, service on tenants, non-attendance of parties, evidence, FastTrack Resolution.

Outcome 3

Explain the Tenancy Tribunal hearing process.

Performance criteria

- 3.1 Explain the Tenancy Tribunal hearing process in accordance with the Residential Tenancies Act 1986.

Range may include but is not limited to – preparation and filing of application, role of adjudicator, notice of hearing, service on tenants, non-attendance of parties, evidence, witnesses, representation, costs, Tenancy Tribunal decision, personal conduct.

Outcome 4

Resolve a tenancy dispute.

Performance criteria

- 4.1 Apply negotiation and communication techniques to resolve a tenancy dispute between a landlord and a tenant in accordance with the Residential Tenancies Act 1986.

Range negotiation and communication techniques may include but are not limited to – active listening, clarifying, summarising, demonstrating cultural sensitivity, resolving disputes by way of mutual agreement, persuasion, FastTrack Resolution.

- 4.2 Document a dispute resolution in accordance with the Residential Tenancies Act 1986.

Outcome 5

Apply the mediation process to a residential tenancy dispute.

Performance criteria

- 5.1 Prepare an application for mediation in accordance with requirements of the relevant government department or agency.

- 5.2 Represent a landlord at a mediation meeting in accordance with the Residential Tenancies Act 1986.

Outcome 6

Prepare a case and explain related processes for a Tenancy Tribunal hearing.

Performance criteria

- 6.1 Identify situations where an application would go directly to the Tenancy Tribunal.

- 6.2 Gather and document the required evidence for a Tenancy Tribunal hearing in order to represent a landlord's case, in accordance with the Residential Tenancies Act 1986 and Tenancy Tribunal requirements.
- 6.3 Explain the process of how a Tenancy Tribunal hearing is conducted and the role of the property manager during the hearing in accordance with the Tenancy Tribunal requirements.
- 6.4 Explain the process and reasons for requesting an adjournment in accordance with Tenancy Tribunal requirements.
- 6.5 Explain the meaning and relevance of name suppression for a Tenancy Tribunal hearing.

Outcome 7

Explain the process for appeals and rehearing for a Tribunal decision.

Performance criteria

- 7.1 Explain the process to appeal a Tribunal decision to the District Court in accordance with the Residential Tenancies Act 1986.
- 7.2 Explain the process to gain a rehearing at the Tenancy Tribunal in accordance with the Residential Tenancies Act 1986.

Outcome 8

Explain the enforcement process of an Order.

Performance criteria

- 8.1 Explain a consequential clause with reference to the Tenancy Tribunal in accordance with the Residential Tenancies Act 1986.
- 8.2 Explain the difference between a mediator's sealed and unsealed Order in accordance with the Residential Tenancies Act 1986.
- 8.3 Explain the enforcement process for an Order in accordance with the requirements of a relevant government department or agency in accordance with the Residential Tenancies Act 1986.
- 8.4 Explain the meaning of exemplary damages/unlawful acts, infringement offenses and infringement fees in accordance with the Residential Tenancies Act 1986.

Replacement information	This unit standard replaced unit standard 27486 and unit standard 27490.
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Planned review date	31 December 2025
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	20 October 2016	31 December 2022
Review	2	28 January 2021	31 December 2022
Revision	3	28 October 2021	N/A

Consent and Moderation Requirements (CMR) reference	0003
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Comments on this unit standard

Please contact The Skills Organisation reviewcomments@skills.org.nz if you wish to suggest changes to the content of this unit standard.