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| Title | **Explain the role of the Tenancy Tribunal and manage tenancy disputes** |
| Level | **4** | **Credits** | **10** |

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| Purpose | This unit standard is for people who operate in residential tenancy and property management.People credited with this unit standard are able to:– 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 in accordance with the Residential Tenancies Act 1986; and– explain the enforcement process of an Order in accordance with the Residential Tenancies Act 1986. |

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| Classification | Real Estate > Residential and Commercial Property Management |

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| Available grade | Achieved |

**Guidance information**

1 References

 REINZ Code of Practice for Residential Property Management(Code of Practice)is available from the Real Estate Institute of New Zealand Inc. website at <http://www.reinz.co.nz>.

2 Legislation

 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,* referred to interpretation defined in the Residential Tenancies Act 1986.

4 Assessment

 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 different outcomes available through the Tenancy Tribunal to a landlord.

Range outcomes available may include but is not limited to – Tenancy Tribunal versus mediation, claims by landlords, claims by tenants, 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.

**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.

**Outcome 7**

Explain the process for appeals and rehearing in accordance with the Residential Tenancies Act 1986.

**Performance criteria**

7.1 Explain the process to appeal a Tribunal decision to the District Court.

7.2 Explain the process to gain a rehearing at the Tenancy Tribunal.

**Outcome 8**

Explain the enforcement process of an Order in accordance with the Residential Tenancies Act 1986.

**Performance criteria**

8.1 Explain a consequential clause with reference to the Tenancy Tribunal.

8.2 Explain the difference between a mediator’s sealed and unsealed Order.

8.3 Explain the enforcement process for an Order in accordance with the requirements of a relevant government department or agency.

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| Replacement information | This unit standard replaced unit standard 27486 and unit standard 27490. |

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| Planned review date | 31 December 2026 |

**Status information and last date for assessment for superseded versions**

| Process | Version | Date | Last Date for Assessment |
| --- | --- | --- | --- |
| Registration | 1 | 20 October 2016 | N/A |
| Review | 2 |  | N/A |

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| Consent and Moderation Requirements (CMR) reference | 0003 |

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.