

## Short Guide to Good Renting Checklists for tenants and landlords

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[www.tenancy.govt.nz](http://www.tenancy.govt.nz)



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HĪKINA WHAKATUTUKI

New Zealand Government

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With over a million New Zealanders living in rental homes, it's important that landlords and their tenants understand and honour their rights and responsibilities. Better rental homes and better relationships are better for everyone!

This introduction outlines those rights and responsibilities and provides checklists of questions you might want to ask at each stage of the renting cycle from getting started as a landlord, or preparing to rent as a tenant, to ending a tenancy. We also tell you how to get help if things go wrong.

Our 'Renting and You' guidebook provides more in-depth information about the provisions of the Residential Tenancies Act (the Act) and the rights and responsibilities of landlords and tenants.

You can also go to our website [www.tenancy.govt.nz](http://www.tenancy.govt.nz) for lots more useful support, including all the forms, agreements and sample letters you might need to protect yourself from problems and enjoy hassle-free renting.

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*Changes to tenancy law on 1 July 2016 aim to make rental homes warmer, drier and safer. Both landlords and tenants need to be aware of their rights and responsibilities under the Residential Tenancies Act. Read this guide and go online to find out what they mean for you.*

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# Rights and responsibilities

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When you enter a tenancy agreement you are entering into a contractual arrangement. This gives both landlords and tenants some important rights and also responsibilities.

**■ In general, landlords are responsible for:**

- › Signing a tenancy agreement and giving their tenants a copy
- › Sending any bond to Tenancy Services within 23 working days of the bond being received from the tenant and giving the tenant a receipt for any payments made
- › Collecting the rent and keeping accurate rent and bond records
- › Keeping copies of all documents relating to the tenancy as a record, and to help clear up any issues that may arise
- › Keeping the home safe and in a good state of repair
- › Ensuring the rental property meets all legal requirements (such as building, health, and safety requirements)
- › Providing everything promised as part of the tenancy agreement (such as any chattels or improvements)
- › Handling and paying for repairs when something provided with the rental breaks from normal wear and tear (such as heating in the living room, locks, extractor fans for ventilation, cooking facilities, washing facilities and smoke alarms).



**■ For their part, tenants are responsible for:**

- › Signing a tenancy agreement
- › Paying rent in full and on time
- › Keeping the rental home clean and tidy
- › Being a good neighbour
- › Contacting the landlord as soon as possible whenever anything needs to be serviced or repaired
- › Allowing the landlord or their agent to enter the home to carry out repairs, or to show the place to other possible tenants when you are moving out.





**Boarding houses** are usually properties intended to house at least six tenants at a time with shared facilities such as kitchens and bathrooms. Rules for boarding house tenancies differ from other residential tenancies. Look online for more information.

# Getting started as a landlord

The key to getting the most out of your rental property is to be business-like and professional. Remember you're running a business, even if you have just one rental home. That means careful planning from the start. Go to the Tenancy Services website to download an information pack designed for landlords new to the residential housing market.

-  **Prepare yourself and your rental home** – The better your property looks, the more likely you'll get good tenants who will look after the place carefully when they move in. Make sure maintenance and repairs are done before a tenancy begins.
-  **Insulation** – Landlords must provide a statement about whether there is insulation, and its location, type and condition, as part of the new tenancy agreement. The Tenancy Services website has lots more useful information about the requirements, including a guide to writing your Insulation Statement. Hiring a professional to do the job will be safer and make it easier to meet your legal obligations. There can be serious safety risks to both landlords and tenants if it's not done properly.

We recommend you shop around now for an insulation professional – some offer discounts in the summer months. A professional can also help you to write up your insulation statement properly. A number of councils around New Zealand also allow homeowners to add the cost of insulation to their rates and pay it back over about nine years.

-  **Smoke alarms** – Landlords must ensure they have working smoke alarms correctly installed in their rental home/s. Go to the Tenancy Services website to learn more about where smoke alarms must be placed, what type of smoke alarms to use, when to replace smoke alarms and batteries and how to buy and install them.
-  **Work out how much rent you should charge** and have a separate bank account ready for it. Tenancy Services has a useful online tool to help you find out about market rents for the properties in your area.
-  **Make sure you have the right insurance** and you understand the requirements of your policy.
-  **Gather all the forms you'll need** Go to the Tenancy Services website for copies of your pre-tenancy application form; tenancy agreement form; and bond lodgement form.

**□ Set up your system for keeping records about the tenancy**

Landlords are required to keep rent and bond records for 7 years after the tax year to which they relate. Both landlords and tenants should keep copies of all documentation relating to the rental home during the tenancy and for 12 months after the tenancy ends. These records include: the tenancy agreement and any variations or renewals of it, any property inspection reports, water bills, invoices or reports for any work carried out at the property such as maintenance or cleaning and copies of letters or emails sent to or received from the other party.

**□ Gather the contacts you'll need**

It's good to know who to call when you need help. Having contacts set up in advance can save time and headaches. Useful contacts include: tradespeople (for repairs), a credit check agency (for checking that tenants have good credit), a local property investors association (for networking with other landlords) and the Tenancy Services landlord newsletter for staying up to date with things you need to know.

**□ Choose the right tenants**

You'll want tenants who care for your rental home and fulfil all their obligations. Go to the Tenancy Services website for information about how to interview potential tenants and check their references and credit history.

**□ Get the tenancy off to a good start**

Build a good relationship with your tenant from the beginning. Doing the property inspection together is a good time to talk about the condition of your rental home and any future plans or improvements. As an extra safeguard, make sure you record the condition of the property and any furniture or fittings included in the tenancy with a digital camera. Make sure your tenant has your contact details and/or the contact details of your letting agent so you can stay in touch.



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# Preparing to rent as a tenant

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Use this checklist to help you prepare before looking at places you might want to rent as your home. The Tenancy Services website has more useful hints and tips on choosing the rental home that's best for you, your budget and your lifestyle.

- ☐ **How long do you want the tenancy for?** Periodic tenancies last until either the tenant or landlord gives the required notice. Fixed term tenancies last until the date specified in your tenancy agreement – at which time you can either extend the agreement, enter into a new tenancy agreement, or else either your landlord or you can give the required written notice that you no longer wish to continue the tenancy. If neither party gives the required written notice the tenancy will automatically become periodic at the end of the term. Please visit the Tenancy Services website for more information on giving the required notice.
- ☐ **What can you afford?** Think about how much rent you can afford to pay – 35% of your take-home pay is the most that many people can afford, but this depends on what your

other outgoings are, for example if you have children. If you're having trouble paying rent or other expenses you might be able to get financial help. There are several types of financial help available through Work and Income, Senior Services, and StudyLink and for people on low incomes. Go to the Ministry of Social Development's website to find out more.

- ☐ **Where do you want to live?** Decide which area you'd like to live in and how you are going to look for your rented home. The larger the area you're prepared to consider, the better the chance of finding the right home for you. Go to the Tenancy Services website to find out about the market rents in your area and for more advice about choosing the right home.
- ☐ **Have your documents ready** Landlords and agents will want to confirm your identity, credit history and possibly rental references to be confident of your ability to meet your rent commitments.
- ☐ **If you're renting through a letting agent** find out what the fee will be. Usually it is one week's rent plus GST.

## When you're talking with potential landlords or letting agents ask about...

- ☐ **When the flat is available?**
- ☐ **Whether it's warm and dry with plenty of sunshine and good ventilation?** Healthy homes reduce the likelihood of illness and increase the chances of good tenants staying longer.
- ☐ **Pets and smoking** – Are there any rules about them, as well as for other things such as dealing with rubbish and recycling?
- ☐ **Who is responsible for bills** such as electricity, gas, water, telephone, internet and cable connections. Landlord or tenant? Usually the tenant pays for these.
- ☐ **Fixtures and fittings** – Check that you're happy with the whiteware and any furnishings provided, as it's unlikely that landlords will agree to changes once you've moved in.
- ☐ **Smoke alarms** can save your life and are compulsory in all rental homes. Check there is at least one working smoke alarm in each bedroom or within three metres of each bedroom door and at least one on each level of the home. There must be at least one working smoke alarm in any caravan, sleep-out or similar.
- ☐ **Insulation** – Landlords must provide a statement about whether there is insulation and its location, type and condition – as part of a new tenancy agreement. It's fairly straightforward to check the insulation by looking into accessible roof and subfloor spaces – but ensure the mains power is switched off and be careful not to touch any foil insulation or exposed wires.



What's the neighbourhood like?  
How safe is the area?

Is car parking available?  
Public transport nearby?

Who does the gardening and lawns?

Can I make changes to the home,  
such as painting or decorating?







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## Completing the paperwork


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Both landlords and tenants need to complete their paperwork and keep records about the tenancy.

 **Make sure you have a written tenancy agreement and read it** carefully to understand your respective rights and responsibilities. Many landlords use the agreement provided by Tenancy Services. Tenants should complete and sign the form after the landlord has completed their statements. It's up to the landlord and tenant to decide if everyone living in the home signs the tenancy agreement. If everyone signs, they are usually all responsible. This means that if one tenant doesn't pay their share of the rent or damages the property, the landlord can claim the money owed from any or all of the tenants, regardless of which tenant didn't pay their rent or caused the damage. Don't let yourself be rushed into signing a legally binding document.

 **A good property inspection report** can be very useful if you have problems later on. If damage existed at the start of a tenancy, a tenant can't be blamed for it when they move out. A report completed by both landlord and tenant at the start will make it easier to identify damage

that occurred during the tenancy. Many landlords use the property inspection report that comes with the Tenancy Services' tenancy agreement.

 **Agree an inventory** of all the items provided with the tenancy, especially if they are not routinely included, eg a fridge or clothes dryer. As an extra safeguard, make sure that you both take photos. This will make things easier if there is a dispute at the end of the tenancy. Once you're happy with the inventory, both the landlord and the tenant should sign it and keep a copy.

 **Agree the bond** - A bond is money that a landlord can ask a tenant to pay as security for their rent, care of the home and other costs relating to the rental. Typically, the amount of a bond is four weeks' rent. Landlords that require a bond must lodge it with Tenancy Services within 23 working days of receiving it. At the end of the tenancy, the bond money will be refunded to the tenant, once the landlord is satisfied the rent has been paid in full and there are no damage claims or other outstanding costs.

- **Remember to take meter readings** so you don't inadvertently end up being responsible for the previous tenant's bills.
- **Get the gas, electricity and phone connected** as well as other small-but-important stuff like having extra sets of keys cut, if needed, and getting mail redirected.
- **Contact details** – Both tenant and landlord must have current contact details for each other and the landlord's agent (if any), including any mobile telephone number and email address – including a telephone number to use in case of an emergency. It's very important that landlords and tenants let each other know if their contact details change.
- **Keep records** – Landlords and tenants are required to keep copies of all documentation relating to the rental home during the tenancy and for 12 months after the tenancy ends and landlords must keep rent and bond records for 7 years after the tax year to which they relate.

### **Written records are important if you have a dispute**

#### **Monday, 1 February**

Called property manager to tell them the stove element wasn't working. Spoke to John Smith who told me he'd mark it in his repairs/maintenance log.

#### **Thursday, 4 February**

Still haven't been contacted about the stove element that needs repairing. Called Tenancy Services to check on the process for repairs. The Ministry told me I could issue a 14-day notice to remedy.

#### **Friday, 5 February**

Downloaded the 14-day notice to remedy from the [www.tenancy.govt.nz](http://www.tenancy.govt.nz) website, filled it in and dropped it into the property manager's office at 2.45pm.

#### **Monday, 8 February**

Property manager called to say he's arranged for both him and a repairman to come round during the day to fix the stove element.



# Living in your rental home

## Tenants must...

- ☐ **Pay the rent on time** – If you don't, you could lose your home because you've broken your tenancy agreement. If you run into problems, talk with your landlord right away to try and find a way to resolve the issue.
- ☐ **Look after the property** but get your landlord's permission, preferably in writing, before doing any decorating or adding any fixtures. It's worthwhile getting contents insurance to cover your possessions as well, because the landlord's insurance won't cover your things.
- ☐ **Be considerate to neighbours**  
The landlord could have your tenancy ended if you breach the peace, privacy or comfort of others in the neighbourhood.

## Also...

- ☐ **Make sure you know how** to operate the appliances and any facilities, turn the water off and operate pumps, plus where the mains power switch and any meters are located.
- ☐ **Regularly test your smoke alarms** – ideally once a month or as frequently as the manufacturer instructs. It's against the law to damage, remove or disconnect a smoke alarm – that includes removing the batteries, unless you're inspecting expiry dates or replacing batteries.
- ☐ **Report any need for repairs** to your landlord. There will be a risk to your bond if a minor repair you knew about turns into a major problem because you didn't report it.
- ☐ **Be aware of the security features of your home** – Make sure your home has good locks. Test the windows to make sure they close fully.

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# Owning your rental home/s

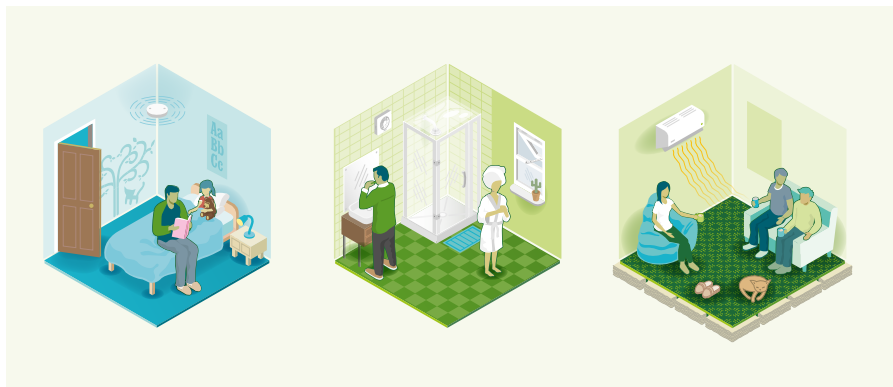
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## Landlords must...

- ☐ **Maintain the structure** and exterior and make sure the property meets all building, health, and safety requirements at all times, particularly during any renovations.
- ☐ **Deal with any problems** with the water, electricity and gas supply. If a tenant informs you of a problem and you do nothing to resolve it, you may be responsible for the increased cost of outgoings.
- ☐ **Maintain** any appliances and furniture supplied as part of the tenancy and make sure they are safe. Don't provide dated electrical appliances unless you are certain they are safe, if in doubt get them inspected by an electrician or replace them with a new appliance.
- ☐ **Carry out repairs** as soon as you can.
- ☐ **Give proper notice of visits**  
Landlords can't walk in whenever they like. You must give your tenants at least 24 hours' before coming around to do any repairs or maintenance or get their agreement, and do the work between the hours of 8am and 7pm.
- ☐ **Respect the peace, comfort and privacy of their tenants (this is called quiet enjoyment)** Phone your tenant to check if your proposed time is convenient before giving notice for an inspection. Although your tenant can't refuse an inspection it's a good idea for you to be flexible and willing to change the inspection time if needed. Your tenant doesn't have to be present during inspections, but you should ask if they wish to be.
- ☐ **Locks and security** Landlords must provide locks or security devices for their properties. Landlords and tenants may not remove or change any locking device without the consent of the other party.

## Also...

- ☐ **Make sure your property can be well heated** – Landlords don't have to provide heating in every room but they do have to provide a form of heating in any living room. If there's a useable fireplace or solid fuel heater, it's your responsibility to make sure it's safe and regularly cleaned (check your insurance policy). Unflued gas heaters are a health danger, some landlords ban the use of portable LPG cabinet heaters in the tenancy agreement because they release moisture and pollutants into the indoor air during combustion. You can also help ensure a warm, comfortable home by making sure your property has enough power points for your tenants to plug in their own heaters.
- ☐ **Inadequate ventilation can lead to mould growth and dampness**  
Make sure your property can be kept well aired as well as safe and secure. Window stays can be good for this. Extractor fans that vent to the outside in wet areas of the home such as a bathroom and kitchen are also a good way to reduce the amount of moisture released inside the house.
- ☐ **Use the** Energywise checklist to assess how warm, dry and comfortable your rental home is – the more ticks the better!





# Keeping your rental home healthy and safe

Healthy homes are warm, dry and safe to live in. Changes to tenancy law that came into effect on 1 July 2016 mean additional rights and responsibilities for landlords and tenants living in rental homes including boarding houses, rental caravans, sleep-outs and similar. Go to the Tenancy Services website for more detailed information.

- ☐ **Keep your home warm for comfortable living** – Good quality insulation helps keep the heat in during winter and out during summer.
- ☐ **Keep your home dry for healthy living** – A dry and well ventilated home reduces the danger to your home and the risks of ill health for everyone living there. When moisture gets into a house and is not removed it can cause black mould. Mould can be a serious health risk, especially if anyone in your family suffers from asthma or allergies.
- ☐ **Keep your home safe for peace of mind** – Landlords need to have working smoke alarms in all their rental homes. The New Zealand Fire

Service website provides a wealth of useful information about smoke alarms and fire safety in general. Make sure your home has good locks and always be careful when it comes to letting people you don't know into your home.

## Tips:

- › Learn how to use the 'hush' feature if there's a false alarm in your smoke detector. This can happen with smoke from cooking, fumes and if dust gets into the alarm.
- › You can control the level of moisture by using bathroom and kitchen fans and buying a dehumidifier.
- › Mould growth usually looks fuzzy or powdery and is often coloured from light green to black. Remove mould as soon as it appears by using diluted household bleach (1 part bleach with 3 parts water mixed together), or a less abrasive cleaner like cider vinegar. Your supermarket will also have a range of eco-friendly cleaners.



# At the end of the tenancy

## If the tenant wants to stay

Many tenants sign an agreement for a fixed-term, such as a year. At the end of that time, the terms of the lease may change from one year to periodic. With a periodic tenancy, tenants are still protected from being evicted illegally, but it is easier for either tenants or landlords to end the tenancy, provided enough written advance notice is given and the proper steps are followed.

☐ **Do you want to sign up for a new fixed-term?** If your tenancy agreement has a right to renew or extend, you must write to your landlord to advise them you want to stay no later than 21 days before the tenancy is due to expire. Landlords don't have to accept a renewed or extended tenancy if they don't get the correct notice.

☐ **Moving to a periodic tenancy?** Landlords are entitled to increase the rent, but they must give 60 days' written notice and the rent can't be increased within 180 days from either the start of the tenancy or the last rent increase.

☐ **If only one of the tenants wants to move out** the other tenant can take over the tenancy agreement with the landlord if agreed. You'll need to send Tenancy Services a change of tenant form if the remaining tenant is taking over the leaving tenant's share of the bond.

## If the tenant or landlord wants to end the tenancy

Both landlords and tenants have responsibilities to honour when they want to end a tenancy.

☐ **Giving notice for a fixed term tenancy** - Fixed-term tenancies can't be ended early unless both the landlord and tenant agree, or by order of the Tenancy Tribunal. On the date the fixed-term tenancy ends, the tenancy automatically becomes a periodic tenancy, with the same terms contained in the expired tenancy, unless:

- › the tenant and landlord enter into a new tenancy agreement, or extend the existing tenancy agreement, or
- › either party gives the other party written notice of their intention to end the tenancy. The period in

which a landlord or tenant can give such notice to end the tenancy is between 21 and 90 days before the date the tenancy expires.

#### **Giving notice for a periodic tenancy**

A tenant must give at least 21 days' written notice to end their periodic tenancy, unless the landlord agrees to a shorter time. A landlord must give at least 90 days' written notice to end the tenancy, but can give less time (at least 42 days' notice) in certain circumstances such as the owner or a member of their family moving in, the property being needed for the landlord's own employees (and this is clearly stated in the tenancy agreement), or where the property is sold unconditionally and the owner is required to give the purchaser vacant possession.

If a landlord gives the tenant notice to end the tenancy and the tenant wants to move out sooner, the tenant must still give the landlord at least 21 days' written notice. If there are multiple tenants named on the tenancy agreement, and one or any of the tenants give the landlord notice to end the tenancy, this ends the tenancy for all of them, unless agreed otherwise.

The Tenancy Services website has more information about how to serve a notice and the timeframes you should allow for it to be delivered.

#### **Return of the bond** – It's a good idea for both the tenant and the landlord to meet and review the home (using their property inspection report).

Landlords can't ask their tenant to pay for normal wear and tear to their property or furniture and appliances but they may be entitled to deduct costs for tasks which the tenant should have carried out, such as cleaning and rubbish removal. Once you've agreed what will happen with refunding the bond, both the landlord and all tenants need to fill out a bond refund form and send it to Tenancy Services. Sometimes a tenant is moving to a new place and it's easier for them to ask Tenancy Services to just transfer their bond money from their old home to their new one. You'll need a bond transfer form for this, which will need to be completed by the old landlord, tenant and the new landlord.

#### **Rent** – Make sure rent payments are up to date.

#### **Bills** – Don't leave bills unpaid. This can have an impact on a tenant's references and credit rating.

#### **Take final meter readings** and advise the service provider and landlord.

#### **Clear up** – Remove your belongings, clean the house, take away any rubbish, return all keys and access cards, and leave a forwarding address. If a tenant doesn't do all these things, the landlord can ask Tenancy Services for some or all of the bond.





# If things go wrong

There are legal processes available to help resolve tenancy problems that arise between landlords and tenants, but the first thing to do is talk with each other about the problem and try to sort it out yourselves.

## Before talking

- ☐ Make sure you're clear about your concerns. Sometimes writing down the problem will help you explain it well to the other person.
- ☐ Be ready to suggest a solution. Describe the problem carefully and give a reasonable amount of time for it to be put right.

## Write a letter – 'notice to remedy'

Tenants and landlords can both issue a notice to remedy which gives the other person 14 days to fix the problem. Please remember that when you send the other person a notice in writing you need to allow extra time for delivery. Examples and further information is available on the Tenancy Services website.

## Retaliatory Notice

If a landlord gives notice to end a tenancy because their tenant has told the landlord or Tenancy Services about a problem or exercised their rights, this will likely be retaliatory notice. The Residential Tenancies Act 1986 (the Act) prohibits a landlord from giving this type of notice and a tenant can apply to the Tenancy Tribunal if they believe that retaliatory notice has been given to have it overturned and to seek exemplary damages of up to \$4,000. The Tribunal will determine whether or not the notice is lawful. If it is determined to be unlawful, the notice will be overturned. The tenant must make the application to the Tenancy Tribunal within 28 working days of receiving the notice from their landlord.

## Fast Track Four Steps

Fast Track Resolution is a quick and inexpensive way to confirm agreements reached between landlords and tenants that frees both sides up for having to be available for scheduled mediation when they don't need it. Go to the Tenancy Services website to learn more.

## **If you can't agree yourselves, come to Tenancy Services mediation**

Tenancy Services offers a mediation service where landlords and tenants have the opportunity to resolve differences by talking together with a mediator. The mediator's job is to help identify the issues and reach a workable solution. Mediators know a lot about tenancy issues but they don't take sides and they don't decide anything for you. The process is confidential.

## **Tenancy Tribunal**

If a solution to a dispute can't be agreed through mediation, tenants and landlords can ask the Tenancy Tribunal for a hearing. The Tribunal is part of the Ministry of Justice and an adjudicator listens to each person, hears any witnesses, looks at any evidence the landlord or tenant brings and then makes a decision. This decision is binding, both sides receive a copy and both sides have to comply.

## **Tenancy Compliance and Investigations Team**

The majority of landlords and tenants want to do the right thing and meet their obligations. However, where a landlord chooses not to meet their obligations, or there is a serious breach of the Act, the Tenancy Compliance and Investigations Team will take appropriate compliance and enforcement measures to hold those landlords to account for their actions.

You can contact the Tenancy Compliance and Investigations Team by phoning **0800 TENANCY (0800 836 262)** or emailing **[rta.compliance@mbie.govt.nz](mailto:rta.compliance@mbie.govt.nz)**

**Go to [www.tenancy.govt.nz](http://www.tenancy.govt.nz) to learn more**

'Short Guide to Good Renting' is designed to cover the essentials for tenants and landlords. The information we have for you here doesn't cover every aspect of renting and it is not the same as getting legal advice. Before acting on this general information you should seek more detailed information or specific advice via our website [www.tenancy.govt.nz](http://www.tenancy.govt.nz) or free phone service that relates to your specific situation.



# TenancyServices



Warmer, drier, safer homes

[www.tenancy.govt.nz](http://www.tenancy.govt.nz) | 0800 TENANCY (0800 836 262)