

08 FEB 2018

Robert Whitaker  
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Dear Mr Whitaker

**Official Information Act 1982 request**

Thank you for your Official Information Act 1982 (OIA) request of 26 January 2018 regarding the Tenancy Tribunal (the Tribunal). Your requests and my responses are set out below.

*1. How many total applications were made to the Tenancy Tribunal by tenants?*

The information you have requested is provided in Table 1 attached to this response.

*2. How many applications were made in each year by tenants challenging rent levels against s 25?*

The information you have requested is not recorded by the Ministry of Justice (the Ministry). The information is court record which is excluded from the scope of the OIA under section 2(6)(b). Therefore, I am refusing your request under section 18(g)(i) of the OIA as the information is not held by the Ministry and there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation or local authority.

*3. How many times in each year has an Adjudicator ruled in such cases in favour of the tenants?*

The information you have requested is not recorded by the Ministry. Therefore, I am refusing your request as allowed by s 18(g)(i) of the OIA as the information is not held by the Ministry and there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority. However, decisions of the Tribunal are publicly available on the Tenancy Tribunal website

*4. What guidance is provided by the Chief Adjudicator, Tenancy Services or other parties to Adjudicators as to how s 25 should be applied and interpreted?*

There is no practice note, nor guidelines from the Principal Tenancy Adjudicator or from any other person or party, as to the interpretation of s 25. The application and interpretation of s 25 is a judicial decision made by individual tenancy adjudicators based on the law and evidence produced by the parties. Therefore, I am refusing this request as allowed by s 18(g)(i) of the OIA as the information is not held by the Ministry and there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

*5 & 6 As interpreted by the Tribunal, what is the purpose of s 25 and can s 25 be applied in circumstances where there is a substantial general increase in rents (e.g. recent years in Wellington and Auckland)?*

The Tribunal is an independent statutory body and adjudicators are appointed by the Governor-General on the advice of Ministers of Justice and Housing. While the Ministry provides administrative support to the Tribunal, adjudicators make their decision independently based on the law and the evidence placed before them. Therefore, the Ministry does not hold information on the way the Tribunal interprets legislation. I am refusing your request as allowed by s 18(g)(i) of the OIA as the Ministry does not hold the information and there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority.

There is more information about the Tribunal on our website  
[www.justice.govt.nz/tribunals/tenancy/about/](http://www.justice.govt.nz/tribunals/tenancy/about/)

If you require any clarification of the information contained in this response please contact Antony Paltridge, Team Leader, Media and External Relations, by calling (04) 918 8980; or emailing [media@justice.govt.nz](mailto:media@justice.govt.nz)

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

I trust that this information assists.

Yours sincerely



Jacquelyn Shannon  
**Group Manager, Courts and Tribunals, Regional Service Delivery**

Ref: 66185

**Table 1: Total number of applications by calendar year made to the Tenancy Tribunal by tenants, 2006 – 2017.**

<b>Year</b>	<b>Number of applications made by tenants</b>
2012	2,397
2013	2,308
2014	2,311
2015	2,070
2016	2,293
2017	2,585