

**A REP GUIDE TO FLATTING:
THE BARN BROS MOVE OUT OF HOME**



community law

free legal help
throughout aotearoa

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SLIDE 1: BACKGROUND MATERIAL

Use this information to inform your teaching.

How to deliver a REP module

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoians become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to need to know about delivering a module?

Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from a Community Law Centre.
- Use the REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to the Community Law Centre so they don't feel alone or intimidated.

Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.
- Treat this teaching resource as a guide only; try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!
- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Make sure you signpost what the module is going to cover, by explaining or perhaps writing up a short plan on the board.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- Some people like to visualise what they're learning (by seeing it written down, making a list, studying a face).
- Some people need to hear things to take them in (maybe by taking part in a role play or a discussion, or by using rhythm or sound as memory aids).
- Other people prefer to move around: they learn best if they're up on their feet and active.
- And others learn with their hands. They like to get creative, draw things, cut things out, make projects or demonstrations.
- The games in this module attempt to cater for every different kind of learner. Work hard at improving your own teaching practice so that everybody can get involved in the class.

Know the games

- These modules are structured so that all the important information can be covered using the games only.
- The games aim to get your class thinking about the issues being discussed and engaging with them in a practical way.
- Know and understand the way the games are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved games back to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of "community" law. Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.
- It's always helpful to have some examples up your sleeve of how the law works in practice: if in doubt, talk to your friends, family, teachers, or the lawyers and other kaimahi at your Community Law Centre.

Evaluations

- Getting feedback is essential to improving the REP modules. Please ensure you leave enough time at the end of the class to hand out and collect the evaluation forms.
- And don't forget to fill in your tutor evaluation form!

Last, but not least...

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

WHAT YOU WILL NEED:

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Chocolate
- Blu-tac
- Gameshow host blazer (if you have one)

Printing:

- Teaching guide
- Evaluations x 1 per student
- Tutor self-evaluation x 1
- Game #1 (pg 8) A4 x 1 per flat group
- Game #2 (pg 22) A3 x 1 (cut out before)
- Game #3 (pg 23) A3 x 1 (cut out before)

SLIDE 2: INTRODUCING THE BARN BROS



GREETINGS

- "Kia ora, talofa lava, ni hao, hello" (introduce yourself, your name, a bit about yourself).
- "This session is brought to you by the Community Law Centre and The REP: the Rights Education Project".
- Introduce the Community Law Centre: Make sure everyone knows how to get to there – perhaps by drawing a map on the whiteboard.
- Introduce the REP.
- This module begins with an "icebreaker" to make it easier for participants to feel comfortable contributing to the workshop and for you to learn your students' names: don't forget them!

THE BARNYARD BROS

- The REP is based on some characters called The Barn Bros.
- Use either a hard copy REP Poster, the Powerpoint, or the Prezi show, to zoom in on the characters in this module, and to talk about what kind of animals they are.
- This Tenancy module mainly follows Sione the Sheep and Chaz the Cow and as they look for a flat, move in, and then have some run-ins with their dodgy landlord, Frank the Pig.

SLIDE 2: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Community Law Centres

- We provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond.
- Community Law Centres are situated throughout New Zealand and you can locate your nearest one at www.communitylaw.org.nz/your-local-centre/find-a-community-law-centre/. Make sure the class knows where to find their local Community Law Centre. For example: Your nearest Community Law Centre is in Wellington Central at 84 Willis Street Level 2 or in Lower Hutt at 59 Queens Drive. Come in and see us some time!

The REP – Rights Education Project

- We are a team of volunteer students keen to let you know your legal rights and responsibilities.
- We can present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

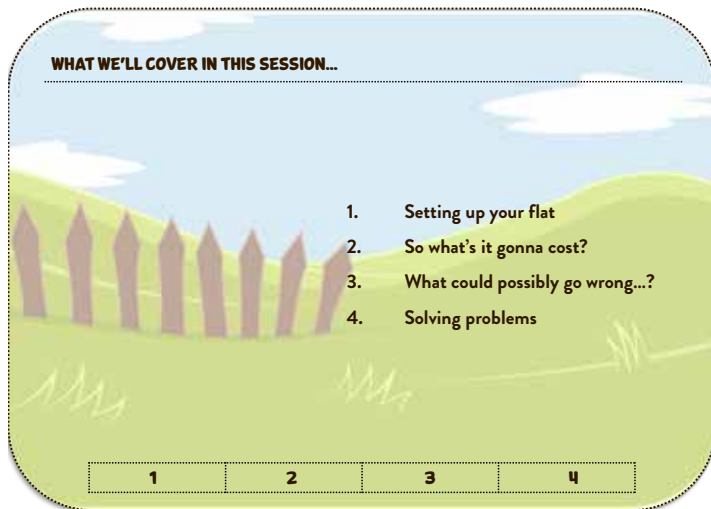
Community Law Manual

- Have a look through the Tenancy Law section in Chapter 14 of the Community Law Manual.
- Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.

Meet the Barn Bros in this Module

- **SIONE THE SHEEP:** Sione is a happy, sensible sheep with a lot of get up and go. Like all of us, Sione sometimes gets into trouble, but unlike most of us, Sione doesn't ignore his problems. He's always up for trying to get justice for himself and his mates.
- **CHAZ THE COW:** Chaz is a chiller. He's a cool guy who makes the hens weak at the knees. He's into skateboarding and hanging out with friends. Chaz is always trying to do the right thing but he doesn't always make the best decisions. Sione often has to dig Chaz out of trouble.
- **FRANK THE PIG:** Frank is a corporate hotshot who's always looking for the next business deal. He's rumoured to be a bit of a money shark around the farm. He's dodgy and doesn't care if people get hurt.

SLIDE 3: CONTENT OF MODULE



STORYLINE

- Use the storylines provided to ground each section of the module. Take turns reading out the storyline before starting the next game. The idea is to explain what the characters are up to in the slides – to give the class something to look at and think about while everything else is going on:
- “Sione the Sheep has just come from a life skills class, which was all about flatting. He’s keen to move out of home, but he doesn’t know who he’d live with, what it would cost, how he’d deal with dodgy landlords or what he’d do if he wanted to move out. Sione wants to find out about some of these things.”

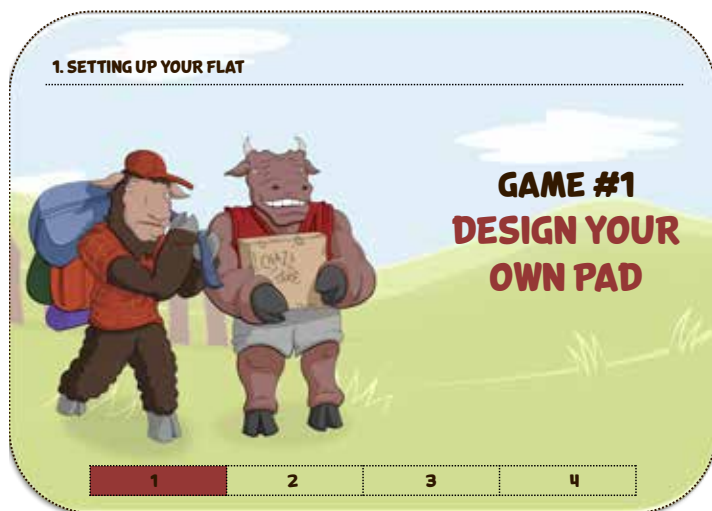
THIS MODULE WILL COVER

- Take a moment to explain the content of each of the four sections in your own words.
- Write this on the board if you think it will help ground the class.
- Let the class know how long each section will take - four games with each game taking 10-15 mins.
- The material you will cover is:
 - o Setting up your flat
 - o What’s it gonna cost?
 - o What could possibly go wrong...?
 - o Solving problems

ICEBREAKER: “FLATMATES”

- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- Divide the class into small groups. These will be the “flats” for the rest of the class. Each game can be carried out in these “flat” groups.
- Get the flats to give themselves a silly “flat name” (for example, Te Paamu / The Farm) and to introduce their flatmates to the rest of the class.
- The flat that wins each game wins chocolate!

SLIDE 4: SETTING UP YOUR FLAT



STORYLINE

- “Rather than studying for his final exams, Sione has been daydreaming about the future, escaping his parents, and moving in with his mates: Chaz the Cow and Dougy the Dog. He’s meeting up with them tonight to talk about what kind of flat they want to find, what paperwork they’re need to organise, and who’s going to sign the lease.”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Starting up a flat
- Tenancy agreements (fixed term or periodic)
- Tenants versus flatmates

GAME #1: DESIGN YOUR OWN PAD

- Hand out the “Design your own pad” worksheets to each group: the instructions are on the sheet.
- While the class is working, or after they’ve finished the sheets, open up a discussion on the basics of flatting.
 - o For example, Chaz wants to live with Dougy the Dog cos he’s an exciting thrill seeker and gets up to all kinds of fun trouble. Sione the Sheep is a good mate who always has Chaz’s back and digs him out of trouble. What kind of people do *you* want to live with? Dougy the dog, or Sione the sheep...

TENANCY GAME #1: DESIGN YOUR OWN PAD

Like Sione and Chaz, you're about to get your own place with a few of your mates. Design your ideal flat: will it have a swimming pool? Pool room? Beer fridge? What else? Draw up a plan for your dream flat, and see if you can make it better than everyone else's!

While you're drawing your sweet pad, you'd better think about the following too:

- Who do you want to live with, and where?
- Who will be on the tenancy agreement and who wants to be a flatmate only?
- Will you share cooking, shopping, cleaning, or the couch?
- Are you going to have Sky TV? The Internet?
- Whose name/s will be on the power and other bills?
- How are you going to pay for everything?



SLIDE 4: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Some good ways to look for a flat

- Newspapers, Trade Me.
- Property management companies (although you may have to pay a fee to use these services)
- Other places such as through friends, facebook, notices on boards in cafes and libraries or university accommodation services.

Things to look out for when entering a tenancy

- Earthquake proof? Wooden?
- Is it affordable? Is it value for money?
- Location... Cost of rent versus cost of travel: if the flat is cheap, you may spend a lot on transport.
- Lifestyle? Consider: neighbours, noise, space.
- What kind of appliances, other items come with the flat?
- Do doors and windows lock?
- View the flat on a wet day during the day: you get to see how damp, cold, dark and leaky the flat might be. Insulation?
- Are pets allowed? Parking? Smoke detectors?
- How many people can share the place with you? Is there different rent for couples?
- Sun / afternoon sun.
- Ask current tenants what the flat is like and if it has any problems.
- You can have a look at www.tenancytribunal.govt.nz to find out if there have been any problems with a landlord.

Tenancy agreements

- Landlords must provide you with a tenancy agreement. Even if they don't, you still have tenants' rights.

Fixed-term or periodic tenancies

- Whether a tenancy (lease) is "fixed-term" or "periodic" affects things like how much notice you have to give your landlord to move out, how much notice your landlord must give you, and if and when the landlord can put the rent up.
- Fixed-term tenancies are for a specific length of time, like six months or one year. (Note: they automatically become periodic tenancies at the end of the fixed term.) They can't be ended by notice during the term.
- Periodic tenancies are on-going tenancies of with no particular end date: they can be ended by giving notice.

Flatmates versus tenants

- Your rights and responsibilities depend a lot on whether you are a tenant or a flatmate.
- You are a tenant if you have signed a tenancy agreement with a landlord.
- You are a flatmate if your name is not on the tenancy agreement (perhaps you moved in after the tenancy agreement was signed).

Flatmates

- Just because you have not signed anything does not mean you have no rights and responsibilities.
- But your rights and your responsibilities are less clear than a tenant's, and depend on what you have agreed to.
- Even if you haven't signed anything, you still have an agreement (a "contract") with the tenant/s. This agreement is whatever you have said (verbally, in emails, in texts) plus whatever is reasonable.
- Your rights and responsibilities are to the person whose name is on the tenancy agreement. While you can't use the Tenancy Tribunal, you can take a dispute with the tenant to the Disputes Tribunal (and vice versa).

Bills

- Auto-payments into flat account versus splitting the bills.

Flatmate agreements

- So how do you avoid problems? Get a flatmate agreement.
- You can get copies of sample agreements from your Community Law Centre.
- These are simple agreements about things like:
 - o How much notice you have to give before you leave the flat
 - o Bond, rent, bills etc. (see next slide)
 - o Who's responsibility it is to find another flatmate when someone moves out and who pays the rent in the meantime

Discrimination

- Unemployed? Under 18? Got a kid? Gay?
- A landlord can't use these as reasons not to rent you the flat.
- Other grounds of discrimination? Race, sex, religion.
- If you think a landlord has refused you for one of these reasons, see your Community Law Centre, the Tenancy Tribunal or complain to the Human Rights Commission.

Can landlords check your criminal history?

- Landlords can ask prospective tenants about their criminal history; tenants do not have to give the information or agree to a police background check.
- The landlord has to be able to show that the question is "lawful and necessary." Given that the person is going to be living in the landlord's house, it wouldn't be hard to prove it's "necessary" for them to know.
- If they do ask, they must tell you why they are asking, and how long they're going to keep this information for.
- Once they have the info, they CAN discriminate on the basis of criminal history – they could refuse to let you have the flat.

SLIDE 5: WHAT'S IT GONNA COST?



STORYLINE

- “Sione is sorting out his new flat. He’s been getting letters from his landlord, the Ministry of Business, Innovation and Employment, and his mum... it’s all a bit crazy! Everyone wants forms signed and money paid by different dates. Sione and his mates want to know what they need to do to move in to their new place, and by when!”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Rent
- Bond

GAME #2: “TIME PERIODS RUN-AROUND!”

- Explain the rules of the game: Instructions are on the following page.
- During the game, field a discussion about:
 - o Bond: what is it, how much is it, when does it have to be paid? (For example, “Douggy says he can’t afford to pay the bond. Does he have to pay it?”)
 - o Rent: what is it, how much is it, how often does it have to be paid, when can the landlord increase your rent? What happens if you don’t pay rent, and when?

TENANCY GAME #2: TIME PERIODS RUN-AROUND



Presenters:

- It seems that everything in tenancy law has a different time period attached!
- You will find four "time-frame" posters to print at the end of this document.
- Using blu-tack or sticky tape, stick one poster on each wall of the room.
- Read out each question: the participants must race to the right poster.
- First person to the correct sign wins a chocolate.
- The following questions are sorted by time period – mix them up!

Time Period Questions and Answers

1.	HOW MUCH TIME DOES YOUR LANDLORD HAVE TO GIVE YOU BEFORE THEY COME OVER AND INSPECT THE PROPERTY?	(At least) 48 HOURS
2.	* BONUS QUESTION: WHAT HOURS MUST YOUR LANDLORD VISIT BETWEEN?	8am and 7pm
3.	HOW MUCH NOTICE DO YOU HAVE TO GIVE YOUR LANDLORD TO FIX SOMETHING THAT'S WORN OUT BEFORE YOU CAN TAKE THEM TO THE TRIBUNAL?	14 DAYS
4.	HOW MUCH NOTICE DOES A LANDLORD HAVE TO GIVE YOU TO FIX SOMETHING YOU'VE BROKEN BEFORE THEY CAN TAKE YOU TO THE TENANCY TRIBUNAL?	
5.	HOW FAR IN ADVANCE CAN YOUR LANDLORD ASK YOU TO PAY YOUR RENT?	21 DAYS
6.	HOW MUCH TIME DO YOU HAVE TO GIVE YOUR LANDLORD TO LEAVE A PERIODIC TENANCY?	
7.	HOW FAR BEHIND IN RENT DO YOU NEED TO BE BEFORE YOUR LANDLORD CAN APPLY TO THE TRIBUNAL TO HAVE YOUR TENANCY ENDED?	
8.	* TRICK QUESTION: HOW MUCH NOTICE DO YOU HAVE TO GIVE TO LEAVE A FIXED TERM TENANCY?	It ends on date in tenancy agreement. If no notice given before that date, turns into periodic tenancy. BUT can negotiate earlier exit with landlord agreement.
9.	HOW OFTEN CAN YOUR LANDLORD INSPECT YOUR FLAT?	28 DAYS
10.	HOW MANY DAYS' RENT IN ADVANCE CAN YOUR LANDLORD ASK FOR AS A BOND?	

SLIDE 5: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Rent

- Everyone has to pay rent.
- The tenancy agreement will tell you how much the rent is and when/how to pay (automatic payment, cash, etc).
- Usually, rent is paid in advance. This means that as well as the bond, you will probably need to pay one or two weeks' rent when you move into your flat.
- If you're paying your rent to another tenant, not the landlord, it's a good idea to keep a record. You are still liable to the landlord even if they don't pass on the full rent to them. Tenants can take the responsible person to the Disputes Tribunal. If a tenant moves out and stops paying their share of rent without agreement of the other tenants and landlord, the other tenants are still liable to pay the full rent
- Whether landlords can increase the rent depends on whether you're on a periodic or fixed term tenancy:
 - Periodic: Landlord can only increase the rent once every six months
 - Fixed term: Landlord can only increase if it is in the agreement that they may do so, and then they have to give the tenant two months' notice
- If you think your rent is higher than it should be, you can apply to Tenancy Tribunal to reduce it to the market price. You can view market rent figures at www.dbh.govt.nz.

Bond

- A bond is a kind of "security" for the landlord: they can apply to the Tenancy Tribunal to keep some or all of this money if you do not pay your rent or you damage the flat.
- Tenants pay this money (up to four weeks rent) to the landlord, who must lodge it with the Ministry of Business, Innovation and Enterprise (MBIE). Both the tenants and landlord must fill in a "Bond Lodgement Form".
- MBIE will send you a receipt: you should follow this up, it is common for landlords not to get around to lodging the bond. Your landlord is legally required to pay the bond and if they don't you can apply to the Tenancy Tribunal for damages.
- If you're going into a pre-existing flat and becoming a tenant, you need to sign a "Change of Tenant" form instead.
- If everything is sweet when you move out, the MBIE must refund your bond in full. When you fill out a bond release form with your landlord. It's important that your signatures match those on the bond lodgement form. If the landlord tries to keep your bond unfairly, you can apply to the Tenancy Tribunal for a decision.

Your landlord giving notice

- Fixed-term tenancies:
 - The landlord can't kick you out before the end of the term
 - Before the fixed-term ends, the landlord must give you three weeks' notice if they want you to leave
 - If they don't give you notice, your tenancy automatically becomes a periodic tenancy
- Periodic tenancies:
 - The landlord must give you 90 days' notice in writing (or 42 days if the property is sold or the landlord or a member of their family wants to move back in)

You're giving notice?

- Fixed-term tenancies:
 - You don't need to stay in the flat, but you MUST pay rent up to the end of the fixed term.
 - Before the fixed-term ends, you must give the landlord three weeks' notice if you want to leave
 - If you don't give notice, your tenancy automatically becomes a periodic tenancy.
 - If you absolutely have to move out before the fixed term end date, talk to your landlord ASAP. They may allow you to sub-let or assign the flat. Subletting is riskier because you still have an obligation to pay the rent, even if the sublessee stops paying. Assignment is where another person takes over the rental contract and most landlords are willing to negotiate.
 - If you really can't pay rent anymore, and you're facing severe hardship (for example you lost your job), the Tenancy Tribunal might let you end the tenancy early. Note: this is rarely allowed by the Tribunal.

- o Contact the MBIE's tenancy number to discuss their options with an advisor - 0800 83 62 62 (0800 TENANCY)
- Periodic tenancies:
 - o You need to give your landlord 21 days' notice in writing.
- Flatmates:
 - o You need to give the other flatmates 'reasonable' notice (for example, two or three weeks).

MBIE Tenancy Services

- MBIE's Tenancy Services can provide advice for tenancy problems and have templates for things like 14-day notices that tenants can use:
 - o Website: www.tenancy.govt.nz
 - o Phone: 0800 83 62 62 (0800 TENANCY)

SLIDE 6: WHAT COULD POSSIBLY GO WRONG...



STORYLINE

- “Sione and Chaz throw a flat warming party. It was crazy: windows smashed, bottles broken, and the carpet stained with red wine and mud. Their landlord, Frank the Pig, turns up the next morning after the neighbours dob the bros in, and he’s super angry. He says that Sione and Chaz have to pay for repairs of the house, including the toilet that’s been dodgy since they moved in. Sione doesn’t think this sounds right and decides to find out what he can do about it.”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Landlord responsibilities
- Tenant responsibilities
- Damage and repair
- 14 day notices and Tenancy Tribunal applications

GAME #3: “DAMAGE REPAIR MATCH”











- Hand out the pictures for this exercise: Instructions are on the following page.
- As the flat groups match the pictures to the landlord or tenant, talk about everyone’s rights and responsibilities.
 - o For example, Dougy didn’t move into the flat, but he keeps coming round and was the one who broke the window at the party. Who is responsible for damage Dougy caused?

TENANCY GAME #3: DAMAGE REPAIR MATCH

Presenters:

- It can be awkward deciding who is responsible for damage and repairs in your flat: you or your landlord?
- Write up "LANDLORD" AND "TENANT" at the top of two columns on the whiteboard
- You will find 10 pictures of damage/repair to print at the end of this document
- Give each flat group some pictures: groups take turns to blu-tack the picture beneath either LANDLORD or TENANT, depending on whose responsibility it is - and must explain why
- The group that gets the most right wins chocolate



THE CORRECT MATCH AND WHY...		
	Rubbish	<ul style="list-style-type: none"> • TENANT: must "keep the premises reasonably neat and tidy"
	Light bulb blows	<ul style="list-style-type: none"> • TENANT: basic light bulbs are the tenant's responsibility to replace • LANDLORD: Speciality light bulbs, e.g. halogen bulbs, are for the landlord to replace
	Spilt glass of wine	<ul style="list-style-type: none"> • TENANT: responsible for any damage whether it's by accident or done on purpose
	A friend burns a hole in the carpet when they drop their smoke	<ul style="list-style-type: none"> • TENANT: responsible for any damage even if it was caused by another person allowed in the flat
	Mowing the lawns	<ul style="list-style-type: none"> • LANDLORD: if agreed in the tenancy agreement - this can set out the times or days that the landlord can mow or have the lawns mown • TENANT: if not in the tenancy agreement then lawn mowing is the tenant's job
	Leaky tap	<ul style="list-style-type: none"> • LANDLORD: if used normally, it's the landlord's responsibility to keep the flat reasonably repaired.
	Mice in the house!	<ul style="list-style-type: none"> • LANDLORD: if mice in the house before the tenancy began • TENANT: only if mice have come because tenant filthy
	Blocked toilet	<ul style="list-style-type: none"> • TENANT: if it's the tenant's fault, like stuffing the toilet full of paper which clogs it • LANDLORD: if the blockage is because the toilet is faulty, it's the landlord's responsibility to keep flat reasonably repaired
	Washing machine breaks down	<ul style="list-style-type: none"> • TENANT OR LANDLORD: Whoever owns it. Unless it's the tenant's fault for overloading the machine, then it's the tenant's responsibility
	Mould	<ul style="list-style-type: none"> • LANDLORD: if house not mould free at beginning of tenancy • TENANT: responsibility to remove if tenant's fault. Needs to take enough care by airing the flat and keeping it heated regularly

SLIDE 6: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Landlord's responsibilities

- Make sure the flat is clean and in good condition when the tenants move in.
- Keep the property well maintained. This includes taking care of trees and shrubs because tenants are liable for any damage caused to the property so you shouldn't do any pruning unless you have the landlord's consent.

When can the landlord enter the flat?

- You might be living in the landlord's property, but it's your home and "quiet enjoyment". Landlords can come over:
 - Any time if you agree, or if there's an emergency
 - To inspect the flat: with 48 hours' notice, once every four weeks, between 8am and 7pm
 - To do repairs or maintenance: with 24 hours' notice, and if they give you a reason, between 8am and 7pm

Tenant's responsibilities

- Paying the rent on time.
- Keeping the flat and grounds clean and tidy. Unless otherwise agreed on the tenancy agreement, you have to mow the lawns.
- Being a good tenant and neighbour – this means letting other flatmates and your neighbours live in peace.
- Sticking to the tenancy agreement. If it says pets are not allowed, don't try to keep a cat on the quiet, or have more people living there than you are allowed.
- Not altering the flat without permission.
- Allowing access when reasonable, including not changing locks.
- Not breaking the law, for example, you can't have a P-lab!
- However, no matter what the tenancy agreement might say, tenants can't sign away their rights under the Residential Tenancies Act. If anything in the agreement seems excessive or unfair, take it into community law or ring up MBIE tenancy services on 0800 83 62 62.

Damage / Repair

- You are responsible for damage caused by someone else unless you can show you tried to get them to leave.
- You might be liable for wear and tear if you don't tell the landlord and it gets worse.
- If it is an urgent repair for something you didn't cause (like the plumbing fails), and you tried but can't get hold of the landlord, you can get it fixed and the landlord must pay you back.
- You should always get a property inspection report with everything detailed on it.
- You should take photos of the flat the day you move in and date them. This gives you protection if your landlord tries to hold back your bond for damage that was already there when you moved in.
- You should always get contents and personal liability insurance. Your landlord's insurance won't insure your stuff if it's stolen or your flat burns down. If the flat is damaged then you need personal liability insurance or else the landlord's insurance company could sue you!
- Infestations of vermin/insects: the landlord is responsible unless it can be attributed to the tenant's failure to keep the house reasonably clean and tidy (e.g. if there are holes in the walls, and if the house has frequent issues with cockroaches).

14-day notices

- Either you or the landlord can give each other a 14-day notice telling the other to do something if:
 - Repairs need to be done
 - They won't leave you alone for "quiet enjoyment"
 - Any right in your Tenancy Agreement or in the Residential Tenancy Act is breached by your landlord/vice versa
- A landlord can send you an order if you:
 - Have done serious damage
 - Are behind in rent

SLIDE 7: SOLVING PROBLEMS



STORYLINE

- “Sione and Chaz repair the damage, and think that everything is sweet. Out of the blue they get a letter from their landlord, Frank the Pig, saying he wants them out, even though their fixed-term tenancy doesn’t end for months. Sione and Chaz are mad and want to know what they can do.”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Applying to the Tenancy Tribunal
- Being taken to the Tenancy Tribunal

GAME #4: “TENANCY JEOPARDY”

Presenters:

- Get yourself ready for the weekly gameshow: the game where every answer is a question...
- Play the gameshow host (wear a cheesy blazer if you have one!).
- Each flat makes up a team buzzer.
- Go around the groups and get them to trial their buzzer (loud is good!).
- Explain the rules on the following page.

SLIDE 7: BACKGROUND NOTES

Learn this information and integrate it into your teaching. Don't read it out word for word!

Applying to the Tenancy Tribunal

- If you can't sort the issue out with your landlord, either by talking it over or by sending a 14-day notice, you can apply to the Tenancy Tribunal. You can also apply to the Tenancy Tribunal if the landlord tries to kick you out without enough notice.
- You fill out a form and pay \$20.44, and the process can take between two to three weeks.
- You will first be directed to mediation, in which you talk on the phone with an independent mediator and try to find a solution to your problem. You can opt-out of mediation, but this doesn't speed the application process up.
- If no solution can be found, the dispute will go to the Tenancy Tribunal. The adjudicator will make a decision.

Being taken to the Tenancy Tribunal (Termination Orders)

- Landlords can apply to the Tenancy Tribunal for a termination order if:
 - You've caused serious irreparable damage to the property
 - You've failed to remedy a breach of tenancy agreement in 14 days (and they've issued you with a 14-day notice)
 - You're 21 days behind in rent - they don't need to issue you a 14-day notice first
 - You assaulted the landlord or neighbour
- If you're behind in rent:
 - Check if all payments have been processed (by bank or employer)
 - Don't avoid the landlord - contact the landlord immediately to discuss the problem
 - Pay whatever you can - a part payment is better than nothing at all
 - Look at other help available (for example, Work and Income)

TENANCY GAME #4: TENANCY JEOPARDY

Explain the rules:

- In each "round", the gameshow host reads out the answers, and the teams have to "buzz in" with the correct question.
- The first team to buzz in gets a shot at asking the correct question. They must answer in the form of question: with a question mark at the end of their sentence.
- The team has three seconds to ask the question, and only gets one try. If the question is wrong, the other teams have a chance to buzz in.
- The team with the most points at the end of the game wins the chocolate.



THE GAME WHERE EVERY ANSWER MUST BE A QUESTION

ROUND #	CLUES	ANSWER
PRACTICE ROUND	<ul style="list-style-type: none"> • I have four legs • I look like a horse, but I'm not a horse • I run with the herd, and live in Africa • In the film "Madagascar" I am called Marty • I have black and white stripes 	What is a ZEBRA?
BUT IN THE REAL GAME, ALL THE ROUNDS RELATE TO TENANCY LAW: LET'S START!		
ROUND 1	<ul style="list-style-type: none"> • It's likely that I have more money than you • Sometimes I am dodgy, which is why it's a good idea to take me seriously, even if you know me or I'm the parent of your best mate • I have to pay for repairs to the property if they occur due to normal wear and tear • I should make sure you sign a tenancy agreement and help you fill out a condition report • I own property and lease it out to tenants 	What is a LANDLORD?
ROUND 2	<ul style="list-style-type: none"> • I am a piece of paper • It is illegal to rent a place without me • You can take me to the Tenancy Tribunal to help prove your case against your landlord • I tell you whether your tenancy is fixed-term or periodic • I contain key information: your address, your name, your landlord's name, your rent and your bond 	What is a TENANCY AGREEMENT?
ROUND 3	<ul style="list-style-type: none"> • I am a big fat sum of money • You might pay me to the landlord, but they have to give it to someone else • I equal up to four weeks' rent • If the landlord proves it, they can use this money to pay for damage, unpaid rent and cleaning • To pay me, you sign a Bond Lodgement Form and lodge me with the MBIE 	What is a BOND?

ROUND 4	<ul style="list-style-type: none"> • It costs about \$20 to apply to me • You can use me if you have a problem with your landlord that can't be solved any other way • You can use me while you're still living in your place or after you've left (or been kicked out) • If want to use me, you will probably have to do "mediation" first • If mediation doesn't work, I will decide who is right and who is wrong 	<p>What is the TENANCY TRIBUNAL?</p>
ROUND 5	<ul style="list-style-type: none"> • I am generally pretty cool • I have to keep my place reasonably clean and tidy • If I have a fixed term tenancy, my landlord generally can't ask me to leave • If I have a periodic tenancy, my landlord has to give me notice if they want me to move out • I have to give notice if I want to move out • I signed a tenancy agreement to live in my place 	<p>What is a TENANT?</p>
ROUND 6	<ul style="list-style-type: none"> • I have a verbal or a written agreement with the tenants • I have obligations, like paying rent and keeping the place tidy • Tenants can take me to the Disputes Tribunal if I've done something wrong • I don't have an agreement with the landlord, because I am not on the Tenancy Agreement • I don't have to pay a bond 	<p>What is a FLATMATE?</p>
ROUND 7	<ul style="list-style-type: none"> • There are 24 of me in Aotearoa • I can help you if you get into trouble with your landlord • If you visit me, you can have a free (instant) coffee • If you visit me in Wellington on a Monday to Thursday evening, you can see a lawyer for free • My Wellington address is by New World Metro on Willis Street • My Lower Hutt address is by Thai Express on Queen's Drive 	<p>What is a COMMUNITY LAW CENTRE?</p>

SLIDE 8: CONCLUSION



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in (Note: explain that chocolate can't be their favourite part).
- Find your own way to wrap up the class: thank everyone for participating.
- Remember to link people in with the Community Law Centre if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Fill in one tutor evaluation form between the two presenters.
- Have a rest!

**TENANCY GAME #2: TIME PERIODS RUN-AROUND
PRINTING MATERIALS**

28 DAYS

21 DAYS

5 DAYS

48 HOURS

TENANCY GAME #3: DAMAGE REPAIR MATCH

PRINTING MATERIALS

