

11 August 2023

Section 9(2)(a)
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Our ref: OIA 106503

Tēnā koe Section 9(2)(a)

Tenancy Tribunal Adjudicator information

Thank you for your emails of 22 July 2023 and 2 August 2023, in which you raise concerns around the decision and conduct of a Tenancy Tribunal (the Tribunal) Adjudicator, and request information relating to their appointment. Your request has been referred to me for a response, as it falls within my responsibilities as Manager, Appointments and Specialist Functions.

You have raised concerns around the conduct and decision of the Tribunal Adjudicator that heard your case. It is important to note that Tenancy Tribunal Adjudicators, as members of a Tribunal, are independent judicial officers who consider a claim based on the information before them. As a judicial officer, they solely determine the way the hearing is conducted, what evidence is accepted, and the decisions and orders made. This means that the Ministry of Justice is not able to intervene or comment on your case, as to do so would compromise the Tribunal's independence.

You can make a complaint about the behaviour of a Tribunal member if you believe you have been treated badly or rudely. A complaint about the behaviour of a Tribunal member does not involve a review of your case or a change to the outcome. You can find out more at: justice.govt.nz/assets/Documents/Publications/complaining-about-a-member-of-a-tribunal-202206-edit.pdf

Please also note there are procedural options available should you wish to challenge the decision of the tribunal. These include applying for a rehearing or for an appeal. Further information can be found at justice.govt.nz/tribunals/tenancy/rehearings-appeals

The information you requested in your 2 August 2023 email is being managed in accordance with the provisions of the Official Information Act 1982, and is as follows:

I ask for the name of the person and position who had appointed the Tenancy "adjudicator" S Singh to her position and who -if at all- had vetted her about her education and suitability to make assessments in regards to HVAC (Heating-Ventilation and Airconditioning) issues.

I also ask to be advised about the background of the person who had appointed S Singh and what her particular qualifications are to make an assessment about the suitability of an applicant for the position of Tenancy Adjudicator.

I can advise that under section 67 of the Residential Tenancies Act 1986, Adjudicators are appointed by the Governor-General on the joint recommendation of the Ministers of Justice and Housing.

That recommendation is made following an assessment of candidates by a panel chaired by the Principal Tenancy Adjudicator. The panel includes representatives of the Secretary for Justice and the Chief Executive of the Ministry of Housing and Urban Development.

Adjudicators need to assess a wide variety of issues related to residential property. To be eligible for appointment as an adjudicator, candidates must either:

- hold a required qualification, such as a practising certificate as a barrister and solicitor, or
- in the opinion of the appointing Ministers, be otherwise capable by reason of special knowledge or experience of performing and exercising the duties, functions, and powers of a Tenancy Adjudicator.

In this case I can confirm that Ms Singh is a barrister and solicitor.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz

I trust that this information is of assistance to you.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Wayne Newall', with a horizontal line underneath.

Wayne Newall
Manager, Appointments and Specialist Functions