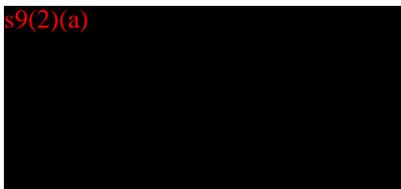


7 February 2023

s9(2)(a)



Thank you for your email of 11 January 2023 to Kāinga Ora – Homes and Communities requesting the following information under the Official Information Act 1982 (the Act):

1. *The number of applications made against Kāinga Ora for Breach of Quiet Enjoyment;*
2. *The number of applications settled / withdrawn at or before mediation;*
3. *The overall spend for the resolution of Quiet Enjoyment breaches, broken down by calendar year;*
4. *The number of applications decided by the Tenancy Tribunal.*
5. *If any commentary can be made on how many applicants end up being relocated to another Kāinga Ora house, that would be in line with the objectives of the request as well."*

I note that you requested the above information for the period of 1 January 2020 to 31 December 2022, broken down by Regional Council area.

On 17 January 2023 we advised you that we had transferred Parts 1, 2, and 4 of your request to the Ministry for Business, Innovation and Employment (MBIE) under section 14 of the Act, as those parts of your request are believed to be more closely connected to the functions of that agency. This letter responds to the remaining parts of your request (Parts 3 and 5). Your questions and our responses are set out below:

3. *The overall spend for the resolution of Quiet Enjoyment breaches, broken down by calendar year*

We want Kāinga Ora homes and the communities they are in to be pleasant and enjoyable places to live – and the vast majority are. However, in a small number of situations, disruptive behaviour causes upsetting and stressful situations for neighbours. We understand the impact these situations have and work hard to respond effectively to disruptive behaviour when it occurs.

Sometimes these situations proceed to the Tenancy Tribunal, and we are committed to fully participating in this process. Regardless of the outcome, we are focused on using the adjudicator's comments to learn and improve our processes.

The total spend for the resolution of quiet enjoyment breaches over the last three calendar years, broken down by year and region is provided in Table 1 below. This includes both payments determined by the Tribunal and settlements made outside of the Tribunal process. The average amount paid by Kāinga Ora for resolution of quiet enjoyment breaches over this period was \$1,800.10.

Please note that the table below only includes Regional Councils where Kāinga Ora made a payment for breach of quiet enjoyment within the period. It is also important to keep in mind that these costs may be overstated, as a single Tribunal order may include other costs, however, not all records are fully itemised.

**Table One: Annual spend on resolution of quiet enjoyment breaches 2020 – 2022 (\$)**

|               | 2020            | 2021             | 2022             |
|---------------|-----------------|------------------|------------------|
| Northland     | -               | 4,000.00         | -                |
| Auckland      | 2,138.44        | 15,894.64        | 18,071.96        |
| Bay of Plenty | -               | -                | 4,000.00         |
| Hawke's Bay   | 2,020.44        | -                | 2,542.88         |
| Taranaki      | -               | -                | 220.44           |
| Wellington    | 3,073.24        | 300.24           | 2,020.44         |
| Canterbury    | -               | -                | 1,520.44         |
| <b>Total</b>  | <b>7,232.12</b> | <b>20,194.88</b> | <b>28,376.16</b> |

*5. The number of applicants who ended up being relocated to another Kāinga Ora house*

Kāinga Ora places the wellbeing of customers and their whānau at the centre of our work. For this reason, we take a customer-centred sustaining tenancies approach to tenancy management.

In a small number of cases, there are situations where sustaining a tenancy is not in the best interests of either the customer or their community. In these situations, we work with our customer to relocate them to a new Kāinga Ora home that is better suited to their needs and support them to live well in their new home and community.

Kāinga Ora does not centrally record the number of instances where a customer is relocated due to an application to Tenancy Tribunal for breach of quiet enjoyment. I am therefore refusing this part of your request under section 18(g)(i) of the Act, as the requested information is not held by Kāinga Ora and I have no grounds to believe that the information is held by another agency.

You have the right to seek an investigation and review by the Ombudsman of my decision on your request. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602.

Please note that Kāinga Ora proactively releases its responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/>, with your personal information removed.

Nāku noa, nā



Nick Maling  
**General Manager, National Services**