**Request to appoint a Representative or Legal Counsel**

This form must be completed and received by Tenancy Services at least six working days before any scheduled hearing. In all other cases you will need to contact the Ministry of Justice directly.

**Application Information**

|  |  |
| --- | --- |
| Application Number |  |
| Tenancy Address |  |

**Your Information**

|  |  |
| --- | --- |
| Name |  |
| Address |  |
| Phone |  |
| Email |  |
|  |  |

**Representative or Legal Counsel Information**

|  |
| --- |
| I wish to appoint: □ a Representative □ Legal Counsel |
| Name |  |
| Law Firm Name(if applicable) |  |
| Address |  |
| Phone |  |
| Email |  |

The Requestor applies to the Tenancy Tribunal for the appointment of a Representative or Legal Counsel for the purposes of managing the claims relating to the above application/s at the Tenancy Tribunal hearing. Where the requestor is entitled to have a Representative or Legal Counsel this form will be treated as notification to Tenancy Tribunal of their appointment.

Reasons for the request (see over):

|  |
| --- |
|  |

Requestor signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For office use only**: Does the other party consent? □ Yes □ No

**Eligibility criteria for appointment of a Representative or Legal Counsel in the Tenancy Tribunal**

If you wish to appoint a Representative or Legal Counsel, please complete this form and forward it to Tenancy Services who will present it to the Tenancy Tribunal for consideration.

You may expect a response from Ministry of Justice to confirm the decision in due course.

**When approval is needed**

Parties may be represented by a Representative, **subject to the approval of the Tribunal**, if the party is:

* The Crown (the Representative must be an officer or employee of the Crown).
* A corporation or unincorporated body of persons (the Representative must be an officer, employee, a member of the corporation or hold a majority interest).
* Jointly liable or entitled with others and the representative will be one of those persons.
* A minor or person under disability.
* The party is unable to appear in person or represent their case adequately.

When determining representation requests, the Tribunal considers:

* The nature or complexity of the issues; or
* Where there appears to be a disparity between the parties, affecting their ability to represent their respective cases.

The Tribunal must be satisfied that the Representative has sufficient knowledge of the case and sufficient authority to bind the party. In addition, a Representative cannot be approved if they are (or have been) a barrister or solicitor, or have been regularly engaged in advocacy work for other Tribunals; EXCEPT where they are a joint party (or entitled with another), the person is a majority shareholder in a company who is the party, the counsel is and was previously managing the requestors affairs because of absence, age, or disability.

You should always be prepared to represent yourself at the hearing in case your request to the Tenancy Tribunal to appoint a representative is declined.

**When approval is not needed**

The general rule is that parties should represent themselves and that representation is not necessary or required. However, either party may be represented by a representative or counsel and approval is not needed if:

* The other party consents;
* The amount in dispute exceeds $6,000
* The case is being conducted by or on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment.
* The other party is represented by legal counsel (a lawyer)

To be represented by legal counsel or by a Representative in any other situation will require the approval of the Tenancy Tribunal.

**Contact details for Tenancy Services:**

If you are the applicant and made your application online you can upload the completed form to your application by logging in to your account at [www.tenancy.govt.nz](http://www.tenancy.govt.nz).

|  |  |
| --- | --- |
| Post: | Tenancy ServicesP O Box 76 469Manukau 2241 |

If you have any questions or require further information please call 0800 (TENANCY) 836 262.