

Order of the Tenancy Tribunal

Residential Tenancies Act 1986

Office of the Tenancy Tribunal

Tenancy Tribunal at Manukau

Tenancy Address

62 Gadsby Road, Favona, Auckland 2024

Applicant

Full Name

Housing New Zealand Corporation

Landlord

Respondents

Full Name

Mere Kupa

Tenant

Order of the Tribunal

The Tribunal hereby orders:

1. Housing New Zealand Corporation is granted possession of the premises situated at 62 Gadsby Road, Favona, Auckland 2024 immediately.

(Section 64(1) Residential Tenancies Act 1986)

Reasons:

1. Housing New Zealand Corporation, (HNZ), had the premises swap tested by Dowdell and Associates Ltd on the 23rd of July 2015 for the presence of methamphetamine and precursor chemicals. The results were analysed by Hill Laboratories Ltd and the results indicate that the presence of methamphetamine above the level in the Ministry of Health guidelines for remediation of contamination. The report from Dowdell and Associates states that because of the level of contamination the premises should not be tenanted.
2. HNZ served a notice on the tenant under section 59A of the Residential Tenancies Act 1986, (RTA), on the 21st of August 2015 terminating the tenancy on the 31st of August 2015. The tenant has remained at the premises.
3. The Tribunal grants a possession order to HNZ on the basis that the premises are uninhabitable due to the contamination by methamphetamine.

4. While the notice to the tenant was under section 59A RTA which allows for termination on the basis that the premises are uninhabitable as a result of a breach of the tenancy agreement, the Tribunal makes no finding as to the liability or otherwise of the tenant for the presence of methamphetamine at the premises. Both section 59 and 59A RTA allow for a 7 day notice for termination where the premises have become uninhabitable. It is not in the interests of the tenant to allow her to remain at the premises with the attendant risk to her health.
5. The tenancy was terminated less than 90 days ago.
6. The tenant did not appear.