[2025] NZTT 5207133

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Kāinga Ora – Homes and Communities Landlord
RESPONDENT:	Serah Leigh Rose Tenant

TENANCY ADDRESS: 184 Sunnynook Road, Totara Vale, Auckland 0627

ORDER

The tenancy of Serah Leigh Rose at 184 Sunnynook Road, Totara Vale, Auckland 0627 is terminated, and possession is granted to Kāinga Ora – Homes and Communities, immediately

Reasons:

1. The hearing was conducted remotely on Microsoft Teams.
2. Jasmine Grey attended the hearing for the landlord.
3. The tenant did not attend. The hearing proceeded in the tenant's absence.
4. The landlord has applied for termination of the tenancy for abandonment.
5. The Tribunal may terminate the tenancy where the premises have been abandoned and rent is in arrear at the hearing date.[1]
6. On 19 February 2025, the landlord became aware that the tenant had abandoned the premises. Rent is in arrear at the hearing date.

[1] Under s 61 of the Residential Tenancies Act 1986.

7. Because the tenant has abandoned the premises, and rent is in arrear, the tenancy is terminated immediately.

R Kee
16 April 2025

Please read carefully:

Visit justice.govt.nz/tribunals/tenancy/rehearings-appeals for more information on rehearings and appeals.

Rehearings

You can apply for a rehearing if you believe that a substantial wrong or miscarriage of justice has happened. For example:

- you did not get the letter telling you the date of the hearing, **or**
- the adjudicator improperly admitted or rejected evidence, **or**
- new evidence, relating to the original application, has become available.

You must give reasons and evidence to support your application for a rehearing.
A rehearing will not be granted just because you disagree with the decision.
You must apply within five working days of the decision using the Application for Rehearing form: justice.govt.nz/assets/Documents/Forms/TT-Application-for-rehearing.pdf

Right of Appeal

Both the landlord and the tenant can file an appeal. You should file your appeal at the District Court where the original hearing took place. The cost for an appeal is $260. You must apply within 10 working days after the decision is issued using this Appeal to the District Court form: justice.govt.nz/tribunals/tenancy/rehearings-appeals

Grounds for an appeal

You can appeal if you think the decision was wrong, but not because you don't like the decision. For some cases, there'll be no right to appeal. For example, you can't appeal:

- against an interim order
- a final order for the payment of less than $1000
- a final order to undertake work worth less than $1000.

Enforcement

Where the Tribunal made an order about money or property this is called a **civil debt**. The Ministry of Justice Collections Team can assist with enforcing civil debt. You can contact the collections team on **0800 233 222** or go to justice.govt.nz/fines/civil-debt for forms and information.

Notice to a party ordered to pay money or vacate premises, etc.

Failure to comply with any order may result in substantial additional costs for enforcement. It may also involve being ordered to appear in the District Court for an examination of your means or seizure of your property.

If you require further help or information regarding this matter, visit tenancy.govt.nz/disputes/enforcing-decisions or phone Tenancy Services on 0800 836 262.

Mēna ka hiahia koe ki ētahi atu awhina, kōrero ranei mo tēnei take, haere ki tenei ipurangi tenancy.govt.nz/disputes/enforcing-decisions, waea atu ki Ratonga Takirua ma runga 0800 836 262 ranei.

A manaomia nisi faamatalaga poo se fesoasoani, e uiga i lau mataupu, asiasi ifo le matou aupega tafailagi: tenancy.govt.nz/disputes/enforcing-decisions, pe fesootai mai le Tenancy Services i le numera 0800 836 262.