[2025] NZTT 5276899

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: [The respondent/s]

Tenant

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the parties' names and identifying details and the tenancy address.
2. [The tenant/s] owes [The landlord/s] $2,160.00 ("the debt"), calculated as shown in the table below:

Description	Landlord	Tenant
Rent arrears to 18.6.2025	$2,160.00	
Filing fee	$27.00	
Total award	**$2,187.00**	
Total payable by Tenant to Landlord	**$2,187.00**	

3. [The tenant/s] must pay rent and the debt as follows:
    a. By a payment of $2,547.00 by 5pm on Monday 23 June 2025, being $2,187.00 for the debt and $360.00 for current rent for the period 19 June 2025 to 25 June 2025.
    b. By payment of current rent of $360.00 every Thursday, starting again on Thursday 26 June 2025.
4. Payments will be allocated in the following order: rent, rent arrears, and the filing fee.

5. If the tenant fails to pay rent and rent arrears within 2 working days of the due dates:

    a. The tenancy at [Tenancy address suppressed] will terminate and the landlord will have immediate possession of the premises.

    b. The balance of the debt will be payable immediately.

6. If the tenant fails to pay the filing fee within 2 working days of the due date, the filing fee will be payable immediately.

Reasons:

1. [The landlord's representative/s], and [The tenant/s] and [Tenant's support person], all attended the video conference hearing.
2. The landlord has applied for termination of the tenancy, rent arrears, refund of the bond and refund of the filing fee. The tenant wants to repay the debt to avoid immediate termination.
3. The tenant explained that, shortly after picking up the keys to the tenancy, he was taken into hospital and has been unable to contact the landlord about this, as he had no phone or contact details for the landlord with him when he was admitted to hospital. The tenant said he hopes to be released from hospital on 19 June 2025 or very shortly after this. The tenant was apologetic and was keen to retain the tenancy. He said he could pay the arrears in full as well as rent to date within a short time of the hearing. The tenant confirmed he could make a redirection of rent directly from WINZ to the landlord upon his release from hospital. The tenant explained that, whilst in hospital his WINZ payments were being sorted out and he has received back pay to assist with his arrears.
4. The landlord was open to the making of a conditional order, as long as the arrears were paid in full within a very short time of the hearing.

Should a conditional termination order be made?

5. Where rent is at least 21 days in arrears on the date the application was filed, the Tribunal must make either a final or a conditional termination order. See section 55(1)(a) and (1A) Residential Tenancies Act 1986 ("RTA").
6. I am satisfied the tenant will pay the debt within the period specified in the order and is unlikely to commit any further relevant breach. I have granted a conditional termination order.
7. The conditional termination order will lapse if it is fully complied with. If the tenant breaches the order, the possession order may be enforced for 90 days from the first breach. See section 64(4)(b) Residential Tenancies Act 1986.

Filing fee

8. Because [The landlord/s] has been successful with the claim I must reimburse the filing fee.

Suppression

9. Both parties requested name suppression. As the landlord has been successful with the claim, they are entitled to name suppression. Therefore, I order that the landlord's name and identifying details and the tenancy address are not to be published. See section 95A(1) RTA.
10. Section 95A(4) RTA provides that the Tribunal may, on the application of any party to proceedings or on its own initiative, having regard to the interests of the parties and to the public interest, order that all or part of the evidence given or the name or any identifying particulars of any witness or party not be published.
11. As the tenant has been in hospital for the whole period of the short tenancy to date, with extenuating circumstances as to why he was unable to contact the landlord about this, and given the tenant's commitment to clearing all arrears within a short time of the hearing, and an ongoing tenancy relationship between the parties, I find the tenant's interests outweigh the public interest in publishing his name. Therefore, I order that the tenant's name and identifying details are not to be published.

C Price
19 June 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.