[2025] NZTT 5206559

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Tenant

RESPONDENT: [The respondent/s]

Landlord

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 landlord/s] is to pay the bond of $1,800.00 to [The tenant/s] immediately.

Reasons:

1. Both parties attended the teleconference hearing.
2. The tenant has applied for refund of the bond, bond not lodged and compensation. During the hearing, the tenant withdrew the compensation claim.
3. It is the responsibility of each party to obtain any advice in relation to claims made in an application, to provide any evidence in support or defence to the application, to prepare for the hearing or file any counterclaim, if required, before the hearing.

Refund of the bond

4. The tenant has applied for refund of the bond. The landlord has a claim against the bond but confirmed at the hearing that he has not filed a counterclaim with Tenancy Services.

5. Section 22B(2) Residential Tenancies Act 1986 ("RTA") provides that, where a tenant applies for refund of the bond, and the landlord seeks payment from the bond, the landlord must file an application setting out the details of the counterclaim. Because the landlord has not filed a counterclaim the bond is refunded in full to the tenant.

6. Therefore, [The landlord/s] is to pay the bond of $1,800.00 to [The tenant/s] immediately.

Bond not lodged

7. [The tenant/s] claims the landlord has not lodged the bond with the Bond Centre within the required time.

8. A landlord must send any bond payment to the Bond Centre within 23 working days after the payment is received. See section 19(1) Residential Tenancies Act 1986.

9. Breaching this obligation is an unlawful act for which the Tribunal may award exemplary damages up to a maximum of $1,500.00. See section 19(2) and Schedule 1A Residential Tenancies Act 1986.

10. The landlord admitted he had not lodged the bond of $1,800.00 with the Tenancy Services Bond Centre, and said he was not aware of his obligation to do so.

11. Whilst the landlord admitted he did not lodge the bond with the Tenancy Services Bond Centre, the tenant confirmed during the hearing, a couple of times when asked, that he was not applying for exemplary damages in relation to the claim for bond not lodged. Therefore, I find the landlord has committed an unlawful act in not lodging the bond but, as the tenant did not wish to claim exemplary damages, I do not consider the issue of exemplary damages in relation to this claim.

Filing fee

12. The tenant did not claim refund of the filing fee.

Suppression

13. Both parties requested name suppression.

14. As the tenant has been successful with the claim, he is entitled to name suppression. Therefore, I order that the tenant's name and identifying details are not to be published. See section 95A(1) RTA.

15. 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.

16. The parties do not have a good relationship with each other. From the evidence provided, the tenant left the tenancy without notice, leaving some paintwork damage, which was acknowledged by both parties. Both parties alleged the other behaved inappropriately. The tenancy has ended and neither party wishes to have contact with the other. Given the evidence and in the circumstances, I am persuaded that the landlord's interests outweigh the public interest in publishing his name. Therefore, I order that the landlord's name and identifying details and the tenancy address are not to be published.

C Price
24 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.