[2025] NZTT 5289600

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT:	Kāinga Ora–Homes And Communities Landlord
RESPONDENT:	[The respondent/s] Tenant
TENANCY ADDRESS:	[Tenancy address suppressed]

ORDER

1. The name and identifying details of the tenant are to be suppressed from the published order.
2. [The tenant/s] must carry out the following work to the premises, which must be completed by 14 September 2025:
   a. Remove all rubbish from the garden of the premise.
   b. . Mow the lawns.
3. If [the tenant/s] fails to comply with Order 2 above, then Kāinga Ora may undertake the work and charge [the tenant/s] the costs of this work up to $1,552. These costs may be treated as rent in arrears and enforced accordingly.

Reasons:

1. The landlord, Kāinga Ora attended the hearing represented by Ms Smith. [The tenant/s] also attended.
2. Kāinga Ora seeks an order directing that [the tenant/s] remove all the rubbish and unused belongings that have been accumulating in the front garden for some time, and tidy up the lawns.
3. Their evidence is that [the tenant/s] has resided at the property since 2023 with his son of whom he has sole care. He has been issued with several 14-day breach notices to rectify the issue but has not been able to.
4. Kāinga Ora have provided photos to show that as of 6 August [the tenant/s] has not rectified the breach or complied with his obligations pursuant to section 40(1)(c) of the Residential Tenancies Act 1986 (RTA).
5. [The tenant/s]'s evidence is that it has been difficult to undertake the work. He needs assistance as he does not have a lawnmower or money to pay for a skip bin. He has the sole care of his son and a very limited income. He is willing to do the work, he just needs assistance. He has tried support agencies, Work and Income and his tenancy manager but has not had any help.

The law

6. Where the Tribunal is satisfied, as I am here, that a tenant has failed to comply with their obligations set out in section 40(1)(c) RTA, where appropriate it may make an order for the landlord to carry out the work. See section 78(1)(e) RTA.
7. A work order may also authorise the landlord to undertake the work and charge the tenant the costs of doing the work, if the tenant should fail to comply with the work order and alternative monetary order. A monetary limit must be imposed by the Tribunal on the amount of costs that can be charged. These costs can be treated as rent in arrears and enforced accordingly. See sections 78(2AAB) and 78(2AAC)(a) RTA.

Discussion

8. Accordingly, I make a work order for [the tenant/s] to remove the rubbish from the garden and mow the lawns. If he is not able to do this within the time allocated, his landlord may do so, but he will be liable for their cost.

9. Because [the tenant/s] has engaged with the hearing and consented to the order, it is appropriate pursuant to s95A of the Act that his name and identifying details are suppressed. It is not a breach of suppression orders for [the

tenant/s] to provide a copy of this order to the Ministry of Social Development or any of his support agencies.

10. As Kāinga Ora administers public monies their details should be published.

K Lash
08 August 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, or the failure to make an order, where the amount in dispute on appeal is less than $1000
- a final order to undertake work, or the failure to make an order, where the value of the work in dispute on appeal is 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.