[2025] NZTT 5183418

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT:	[The applicant/s] Landlord
RESPONDENT:	[The respondent/s] Tenants
TENANCY ADDRESS:	[Tenancy address suppressed]

ORDER

1. The Tribunal orders suppression of the parties' names and identifying details.
2. The application is dismissed.

Reasons:

1. The landlord attended the hearing which was held by teleconference, represented by one of its trustees. The tenants did not attend.
2. The tenancy ended on 7 May 2018. The landlord brought this application on 2 March 2025, seeking compensation for damage to the premises and for unpaid water rates.
3. The delay in bringing the application meant that there were questions about service of the application on the tenants, which were discussed at a prior case conference.
4. In the interim, I have considered whether, in any event, the landlord's claims can be considered, or are precluded by operation of the Limitation Act 2010.
5. The Limitation Act applies to any claims before the Tribunal. Section 77(1) RTA makes the Tribunal's jurisdiction specifically subject to the Limitation Act.
6. The relevant provision of the Limitation Act is s.11, which provides that it is a defence to a money claim, if the defendant proves that the date on which the

claim is filed is at least 6 years after the date of the act or omission on which the claim is based.

7. That must be the case here. Any breach by the tenants will have occurred during the tenancy, which ended more than 6 years before the claim was filed.
8. The landlord became aware of the acts/ omissions on which its claims are based at the end of the tenancy, so the late knowledge provisions of the Limitation Act do not apply.
9. I therefore find that the landlords' claims for compensation must be dismissed.
10. A bond of $1,900.00 is held in dispute. It is alleged the tenants sought to have it released to them by forging the landlord's signature.
11. The evidence suggests that the landlord has incurred losses due to the tenants' breach of their obligations during the tenancy.
12. I have considered whether, although, a money claim is precluded by s.11 Limitation Act, the Tribunal could nevertheless make an Order that the bond be refunded to the landlord, if satisfied the claims have substantive merit.
13. My finding is that is that it can't.
14. The only basis on which the Tribunal could Order the tenants' bond to be paid to the landlord, would be to satisfy an entitlement to compensation. For the reasons given, the landlord's compensation claim cannot be upheld.

B King
18 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.