TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Kāinga Ora - Homes and Communities Landlord
RESPONDENT:	Ann Maria Porter Tenant
TENANCY ADDRESS:	74 Wymondley Road, Otara, Auckland 2025

ORDER

Ann Maria Porter must pay Kāinga Ora - Homes and Communities $1,251.93 immediately, calculated as shown in table below.

Description	**Landlord**
Cleaning	$455.85
Rubbish removal	$752.74
Wall repair	$43.34
Total award	**$1,251.93**

Reasons:

1. The hearing was conducted remotely on Microsoft Teams.
2. Susan Rea attended for the landlord by video.
3. The tenant did not attend. The hearing proceeded in their absence.
4. The landlord has applied for cleaning, rubbish removal, and repair costs following on from the end of the tenancy.

Is the tenant liable to the landlord for costs incurred after the end of the tenancy?

5. At the end of the tenancy the tenant must leave the premises reasonably clean and tidy, remove all rubbish.[1]
6. The landlord provided final inspection photographs taken after the tenant moved out that show that the tenant did not leave the premises reasonably clean and tidy and did not remove all rubbish.
7. The expense Kāinga Ora incurred to clean the premises and remove the rubbish is commensurate to the lack of cleanliness and the amount of rubbish left behind.
8. The amounts ordered are proved.

Is the tenant liable for damage to the premises?

9. The photographs show a broken and dented section of gib board in one of the premises' bedrooms.
10. I am satisfied that damage to the premises occurred during the tenancy and is more than fair wear and tear. The tenant has not proven that they did not carelessly or intentionally cause or permit the damage.[2]
11. The damage is more than fair wear and tear, and the tenant has not disproved liability for the damage.
12. The cost to the landlord to repair the wall is proven and the amount charged is in keeping with the damage.
13. The amount ordered is proved.

Other

14. Ms Rea advises that the tenant is paying off the costs ordered at the rate of $20.00 per week. The tenant should continue to do so. The landlord is at liberty to enforce this order if required. Presumably, the landlord will not do so if the tenant continues her instalment payments, however.

THE SEAL OF THE TENANCY TRIBUNAL

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[1] Residential Tenancies Act 1986 (RTA) s 40(1)(e)(iii).
[2] RTA ss 40(2)(a), 41, and 49B.

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.