[2025] NZTT 5278719

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Tenant

RESPONDENT: Amber Gibney

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 tenant's name and identifying details.
2. The claim for exemplary damages is dismissed.

Reasons:

1. Both parties attended the hearing.

Background

2. On 27 November 2024, the landlord gave the tenant a termination notice ending the tenancy on 28 February 2025. This was on the basis that the landlord intended to put the property on the market within 90 days after the tenancy ended.
3. The tenant claims the notice was retaliatory and seeks compensation and exemplary damages.
4. The tenant submits that the termination notice was unexpected and that when she agreed to take the tenancy, she was relocating cities and believed it was for a long-term tenancy. After receiving the notice, she attempted to negotiate the vacate date (to accommodate booked international travel) and attempted to buy

the property through private sale (as she wanted to remain in the property). The landlord refused both requests.

5. The landlord says that she terminated the tenancy to sell the property due to health issues. These health issues meant she was unable to continue to manage a tenancy and needed to sell the property as a matter of urgency.

6. The tenant moved out of the property on the vacate date in the notice and the property was put on the market for sale where is currently remains.

The law

7. For a notice to be declared retaliatory, the tenant must prove that in terminating the tenancy, the landlord was motivated wholly or partly by the tenant exercising a right under the tenancy agreement or any Act, or by any complaint against the landlord. See section 54(1) Residential Tenancies Act 1986 (RTA).

8. Giving a termination notice which is declared to be retaliatory is an unlawful act for which exemplary damages may be awarded, up to a maximum of $6,500.00. See section 54(2), (3) and Schedule 1A RTA.

9. On review of the evidence, I do not consider that there was any right being exercised by the tenant, or any complaint being made against the landlord by the tenant prior to the termination notice being issued.

10. Therefore, I do not consider that the landlord was motivated to terminate the tenancy for the reasons outlined in section 54(1) of the RTA. In simple terms, no steps had been taken by the tenant for which the landlord could retaliate.

11. Although I accept that the situation was frustrating and unexpected for the tenant, I find that the termination notice was not retaliatory.

12. The claim for compensation and exemplary damages is dismissed.

13. The tenant sought name suppression. Although not successful in the application, I am satisfied that the interests of the tenant outweigh any interests of the public in publication and have granted name suppression. The landlord did not seek name suppression.

R Harvey-Lane
19 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.