[2025] NZTT 5302199

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Kāinga Ora–Homes and Communities

Landlord

RESPONDENT: Okewhare Waikato

Tenant

TENANCY ADDRESS: 34A Ranfurly Street, Dargaville, Dargaville 0310

ORDER

1. Okewhare Waikato owes Kāinga Ora–Homes and Communities $4,377.69 (“the debt”)(to 19 August 2025) as calculated below:

Description	**Landlord**	**Tenant**
Rent arrears (to 19 August 2025)	$4,377.69	
Total award	**$4,377.69**	
Total payable by Tenant to Landlord	**$4,377.69**	

2. Okewhare Waikato must pay rent and the debt as follows:
   a. By weekly payments of $193.00, being $163.00 for rent and $30.00 for the debt.
   b. A final payment of $190.69, being $163.00 for rent and $27.69 for the debt.
   c. Payments will be every Wednesday, with the first payment on 27 August 2025 and continuing until the debt is paid in full.
3. Payments will be allocated in the following order: rent then rent arrears.
4. If the tenant fails to pay rent and rent arrears within five working days of the due dates:

a. The tenancy at 34A Ranfurly Street, Dargaville, Dargaville 0310 will terminate and the landlord will have immediate possession of the premises.

b. The balance of the debt will be payable immediately.

5. When the debt has been paid in full the conditional termination order will lapse.

Reasons:

1. The hearing proceeded by way of telephone conference. Ms Maturan-Abuid, Senior tribunal Adviser, appeared for the landlord. The tenant appeared.
2. The tenancy commenced on 6 December 2018 and is periodic.
3. On 9 July 2025 the landlord filed an application seeking termination of the tenancy and rent arrears.
4. At the hearing the landlord asked the Tribunal for a Conditional Termination Order. The tenant supported this submission. The tenant wants to repay the debt to avoid immediate termination.
5. The onus of proving these claims rests with the landlord. The standard required is on the balance of probabilities. The landlord must establish more likely than not that the tenant has breached the terms of the agreement or provisions of the Residential Tenancies Act 1986 (the "Act").

Should a conditional termination order be made?

1. Where rent is at least 21 days in arrears on the date the application was filed, the Tribunal must make either a final or a conditional termination order. See section 55(1)(a) and (1A) of the Act.
2. The landlord has provided up to date rent records which prove the amount owed. The tenant was at least 21 days in rent arrears when the application was filed, with arrears totalling $5,033.20.
3. On 19 August 2025 the tenant's arrears totalled $4377.69.
4. The tenant took no issue with the rent records.
5. There is sufficient evidence to order termination of the tenancy for rent arrears. However, at today's hearing the parties agreed to a conditional termination of the tenancy. The landlord wants the rent and rent arrears paid and the tenant wants to repay the debt to avoid immediate termination.
6. Section 55(1A) of the Act states that the Tribunal may refuse making a final termination order for non-payment of rent under section 55(1) if, and only if, it is satisfied that the tenant will pay any rent arrears within the period specified by the Tribunal, and going forward is unlikely to commit any further breaches for rent arrears.

7. The tenant told the Tribunal the rent arrears have accrued as a result of her switching between working and receiving a benefit. This has also resulted in changes to her income related rent. The tenant confirms that she is now in receipt of a benefit and has arranged for her rent and the arrears to be paid directly from her benefit to the landlord.

8. In this case the parties have agreed a payment plan. The parties have agreed the tenant will make weekly payments of $193.00, being $163.00 for rent and $30.00 for the debt every Wednesday, with the first payment to be made on Wednesday 27 August 2025 and continuing until the debt is paid in full.

9. The Tribunal accepts that this agreement is a reasonable and constructive resolution. I am satisfied the tenant will pay the debt as specified in the order and is unlikely to commit any further relevant breach. I have granted a conditional termination order.

10. The tenancy is to continue on the condition that the tenant complies with the agreed repayment plan in addition to meeting all ongoing rent obligations as they fall due. The conditional termination order will lapse if it is fully complied with. If the tenant breaches the order, the possession order may be enforced for 90 days from the first breach. See section 64(4)(b) of the Act.

M Feist
20 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.