TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: [The respondent/s]

Tenant

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the landlord's and tenant's name and identifying details.
2. [The tenant/s] must pay [The landlord/s] $1,212.98 (the "debt"), as calculated in the table below:

Description	**Landlord**	**Tenant**
Rent arrears (to 20 August 2025)	$150.00	
Water rates: for the period 31/10/24 to 26/06/2025	$1,034.98	
Filing fee reimbursement	$28.00	
Total award	**$1,212.98**	
Total payable by Tenant to Landlord	**$1,212.98**	

3. The tenant must pay the debt in order two at the rate of $900.00 per week, being $850.00 for the rent and $50.00 for the debt.
4. The first payment must be made on Friday 29 August 2025 and payments must continue every Friday until the debt is paid in full.
5. If the tenant fails to make any payment within 2 working days of the due date, the balance of the debt owing will be payable immediately and can be enforced through the District Court.

Reasons:

1. The hearing proceeded by way of video conference. [Property Manager], Property Manager, was joined to the hearing by telephone. The tenants were also joined to the hearing by telephone.
2. The tenancy commenced on 14 June 2024 with the fixed term expiring on 14 June 2025. The tenancy is now periodic.
3. On 7 July 2025 the landlord filed an application seeking termination of the tenancy, rent arrears, water rates, refund of the bond and reimbursement of the filing fee.
4. 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").

Termination

5. Under section 55(1) of the Act, the Tribunal must, subject to subsection 55(2) terminate the tenancy, if at the time the application was filed, the rent was at least 21 days in arrears.
6. The rent for the property is $850.00 per week. The landlord states, that at the date of filing, the tenant's rent arrears totalled $1,300.00. This is less than the 21 days required for termination.
7. Having analysed the rent summary the Tribunal finds that the tenant's rent arrears totalled $450.00 at the date of filing, meaning the tenant was slightly less than four days in rent arrears. The claim for termination is dismissed.

Rent arrears

8. The landlord provided up to date rent records which proved the amount owing.
9. The tenants initially challenged the records claiming that any rent payment that had been missed was paid the following week. The tenants also explained that they had entered into an agreement with the landlord to pay off any rent arrears or outstanding outgoing for the property at $50.00 per week. The rent records reflect that this arrangement has been in place since 7 November 2024. The tenants believed that the arrears had been cleared through this payment plan. However, after traversing the records during the hearing the tenants accepted the amount owed.
10. At the date of hearing the tenant's rent arrears totalled $150.00. The amount claimed is proved.
11. The Tribunal reminds the tenants of their obligation to pay rent as and when it falls due. Failure to do so could result in a breach notice being issued and further application to the Tribunal.

Water rates

12. The landlord seeks payment of water rates totalling $1,034.98 for the period 31 October 2024 to 26 June 2025 and provided the Tribunal with water rates invoices in the amount sought. The amounts claimed are for use only and are set out in the table below:

a.	Water rates 31/10/2024 to 03/12/2024	$111.38
b.	Water rates 03/12/2024 to 31/12/2024	$96.29
c.	Water rates 31/12/2024 to 03/02/2025	$359.77
d.	Water rates 03/02/2025 to 28/02/2025	$16.56
e.	Water rates 28/02/2025 to 27/03/2025	$182.41
f.	Water rated 27/03/2025 to 24/04/2025	$162.14
g.	Water rates 24/04/2025 to 26/05/2025	$15.22
h.	Water rates 26/05/2025 to 26/06/2025	$91.21

13. The tenants took no issue with the amount claimed. The amount claimed is ordered.

Time payment of debt

14. In this case the parties have re-confirmed a payment plan to clear the debt. The parties have agreed that the tenant will make weekly payments of $900.00, being $850.00 for rent and $50.00 for the debt. The first payment is to be made on Friday 29 August 2025 and payments must continue every Friday until the debt is paid in full.

15. If the tenants fail to make any payment within two working days of the due date, the balance of the debt owing will be payable immediately and can be enforced through the District Court.

Costs

16. Because [The applicant/s] has substantially succeeded with the claim I have reimbursed the filing fee.

Name suppression

17. Section 95A of the Act provides that on the application of a party that has been wholly or substantially successful in proceedings, the Tribunal must order that the name or identifying particulars not be published, unless the Tribunal considers that it is in the public interest to publish the names of the parties, or is justified because of the parties' conduct, or any other circumstances of the case.

18. The landlord has been substantially successful and is granted name suppression.

19. The tenants have also been substantially successful. Their tenancy has not been terminated and a payment plan to repay the debt has been formalised. The Tribunal orders suppression of the tenant's name and identifying details.

M Feist
21 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.