[2025] NZTT 5314634

TENANCY TRIBUNAL AT DUNEDIN | TE TARAIPIUNARA RETIHANGA KI ŌTEPOTI

APPLICANT:	Hong Feng Feng Cai Landlord
RESPONDENT:	Nykita Chrystal Iris Haar Tenant
TENANCY ADDRESS:	Room 14, 300 High Street, Dunedin Central, Dunedin 9016, Ballymena House

ORDER

1. The application by the landlord is dismissed.

Reasons:

1. The landlord attended the hearing.
2. On 29/7/2025 the landlord sought termination of the tenancy, rent arrears and disposal of goods left by the tenant.
3. The tenancy was a boarding house tenancy which began on 12/1/2025 at $180.00 rent per week.
4. The evidence supported that the tenant abandoned the premises around 12/5/2025.
5. The landlord terminated the tenancy on 17/6/2025 by giving 48 hours notice.
6. This is a civil jurisdiction and the applicant, in this case the landlord is required to establish the claim to the civil law standard of proof, on the balance of probabilities.
7. In support of the claim, the landlord provided a rent arrears schedule claiming arrears of $797.14 to 19/6/2025.

8. I am not persuaded by the evidence that the landlord is entitled to any rent arrears after the date of abandonment.
9. The rent schedule records the rent was paid up until 18/5/2025, that is 6 days after the landlord became aware the premises had been abandoned.
10. The landlord failed to lodge the $200.00 bond because he had “issues with Tenancy Services about non return of a bond from a previous tenancy he was part of”.
11. Although the landlord suggested $20.00 of the bond was in fact for the key the tenancy agreement did not contain any such provision.
12. I consider the landlord should have lodged the bond.
13. No evidence was provided about what goods the tenant had abandoned.
14. The claims are dismissed.

J Wilson
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.