[2025] NZTT 5298375

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Rentals.Co.Nz Limited as Agent for A Blake

Landlord

RESPONDENT: Brandon Sydney Western

Tenant

TENANCY ADDRESS: 140D Whau Valley Road, Whau Valley, Whangarei 0112

ORDER

1. The tenancy of Brandon Sydney Western at 140D Whau Valley Road, Whau Valley, Whangarei 0112 is terminated, and possession is granted to Rentals.Co.Nz Limited as Agent for A Blake, immediately.
2. The Bond Centre is to pay the bond of $1,200.00 (3334831-020) to Rentals.Co.Nz Limited as Agent for A Blake immediately.
3. Brandon Sydney Western must pay Rentals.Co.Nz Limited as Agent for A Blake $1,313.71 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears (to 8 August 2025)	$2,485.71	
Filing fee reimbursement	$28.00	
Total award	**$2,513.71**	
Bond	$1,200.00	
Total payable by Tenant to Landlord	**$1,313.71**	

Reasons:

1. The hearing proceeded by way of video conference. Ms Inglis, Property Manager, was joined to the hearing by telephone. The tenant failed to appear,

and an unsuccessful attempt was made to join them to the hearing by telephone. The Tribunal was satisfied that the tenant was properly served with the notice of hearing and the case proceeded in their absence.

2. The tenancy commenced on 9 May 2024 with the fixed term ending on 9 May 2025, at which time the tenancy became periodic.

3. On 1 July 2025 the landlord filed an application seeking termination of the tenancy and rent arrears.

4. At the hearing the Tribunal granted the landlord's application to amend their claim to termination of the tenancy for abandonment and rent arrears.

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 the tenancy be terminated?

6. The Tribunal may terminate the tenancy where the premises have been abandoned and rent is in arrear at the hearing date. See section 61 of the Act. A tenancy is abandoned where the tenant leaves the premises without reasonable excuse, not intending to return or to meet their obligations, and fails to notify the landlord.

7. On 18 July 2025 the landlord became aware (or ought to have been aware) that the tenant had abandoned the premises. On that date the landlord was notified by a member of the tenant's family that the tenant was in custody. This information was also confirmed by a friend of the tenants, who was living at the property, following a home visit to the address.

8. Because the premises have been abandoned, and rent is in arrears, the tenancy is terminated immediately.

How much does the tenant owe?

9. The landlord provided rent records which prove the amount owing at the end of the tenancy.

Costs

10. Because Rentals.Co.Nz Limited as Agent for A Blake has wholly succeeded with the claim I must reimburse the filing fee.

Name Suppression

11. Under section 95A of the Act a party who has been either wholly or substantially successful is entitled to name suppression unless the Tribunal finds that there are reasons relating to the conduct of the party not to do so.

12. The landlord did not seek name suppression.

M Feist
22 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.