[2025] NZTT 5298783

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Tenant

RESPONDENT: [The respondent/s]

Landlord

TENANCY ADDRESS: 1467 Old Taupo Road, Lichfield, RD 2, Putaruru 3482

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of both party's names and identifying details.
2. The 90 day notice issued on 3 September 2025 is invalid and not enforceable

Reasons:

1. Both parties attended the hearing.
2. The tenant has been given 90 days notice to end her tenancy on the basis the landlord customarily uses the house for farm employees and requires it for that purpose.
3. The tenant has lived in the house for close to 6 years and disputes that it is or has been customarily used to accommodate farm workers.
4. The landlord employs a sharemilker. It appears the sharemilker wants the house for a farm employee.
5. The landlord while reluctant to end a long-term tenancy has agreed that the sharemilker can have the house.
6. The sharemilker in this case is not the landlord. Neither the landlord nor the sharemilker have customarily used the house as farm accommodation.

7. The reasons provided for issuing the 90-day notice are therefore invalid. It is set aside.
8. As noted, the law now permits 90 day notice to be issued (without providing any reason).
9. Re issuing the 90-day notice (which is a minimum timeframe) without reasons, therefore remains an option for the landlord to take.

J Maher
25 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.