[2025] NZTT 5328620

TENANCY TRIBUNAL AT REMOTE LOCATION

APPLICANT:	Kāinga Ora–Homes And Communities Landlord
RESPONDENT:	Tamaaleeleele Lomitusifaumuina Tenant
TENANCY ADDRESS:	Unit/Flat 3, 312 Blockhouse Bay Road, Avondale, Auckland 0600

ORDER

1. The tenancy of Tamaaleeleele Lomitusifaumuina at Unit/Flat 3, 312 Blockhouse Bay Road, Avondale, Auckland 0600 is terminated, and possession is granted to Kāinga Ora–Homes And Communities, immediately.

Reasons:

1. The application was decided on the papers.
2. The landlord has applied for termination of the tenancy for abandonment through the expedited process under section 91AA Residential Tenancies Act 1986.

Are there grounds for an expedited application?

3. I am satisfied that the two requirements for the expedited process are met:
    a. The tenant does not want to contest the abandonment application.
    b. The information provided by the landlord with the application is sufficient to enable the Tribunal to determine it properly without a hearing (either on the basis of that information alone or with only minor clarifications).

Should the tenancy be terminated?

4. The Tribunal may terminate the tenancy where the premises have been abandoned and rent is in arrears at the hearing date. See section 61 Residential Tenancies Act 1986. 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.

5. On 7 August 2025, the landlord became aware (or ought to have been aware) that the tenant had abandoned the premises. The tenant's last rent payment was on 25 June 2025. The landlord said all attempts at communication with the tenant were unsuccessful, with no response. The landlord issued a return to property letter dated 9 July 2025 to the tenant, requesting the tenant to return to the property by 29 July 2025 and advising of an inspection on 30 July 2025. The landlord said the neighbours reported they had not seen the tenant at the property for a while and believed he had gone to Samoa. The landlord conducted a property inspection on 7 August 2025, providing a report and photographs of this inspection. The photographs show an empty property, without any furniture or belongings and with unopened mail. I am persuaded by this evidence that the tenancy has been abandoned.

6. The tenant has not contested the claim.

7. The landlord provided rent records which show there were rent arrears at the date of filing the application.

8. All the requirements for an expedited abandonment application have been met. Because the premises have been abandoned, and rent is in arrears, I am terminating the tenancy immediately.

THE SEAL OF THE TENANCY TRIBUNAL

C Price
26 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.