[2025] NZTT 5068448

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant]

Tenant

RESPONDENT: Kāinga Ora–Homes and Communities

Landlord

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the tenant's name and identifying details.
2. The tenant's application for a rehearing is dismissed.

Reasons:

1. The hearing was conducted by telephone. Both parties attended. Ms Eder represented the landlord.
2. On 14 July 2025 the Tribunal made an order dismissing the tenant's application.
3. On 22 July 2025 the tenant applied for a rehearing on the grounds that the Tribunal make various errors of law and of fact.
4. Section 105(1) Residential Tenancies Act 1986 provides that the Tribunal has the power to order a rehearing where "a substantial wrong or miscarriage of justice has or may have occurred or is likely to occur".
5. Usually, the party applying for the rehearing must show that something went wrong with the Tribunal's procedure, for example, that they did not receive notice of the hearing, or they were not able to properly present their case. A rehearing may also be granted where there is new evidence that was not reasonably available at the first hearing if it could have affected the outcome.

6. The District Court has held that if the Tribunal was simply wrong in its findings of fact, or its application of the law, this is not sufficient to establish a miscarriage of justice: a rehearing is not an alternative to an appeal. Furthermore, a rehearing will not be granted just because a party is unhappy with the decision, or to give them a second opportunity to present their case.

7. There are no grounds for a rehearing in this case. The grounds that the tenant relies on relate to errors of law or the application of the law and errors or omissions relating to factual findings. These are all points that should be pursued by way of an appeal. They do not entitle the tenant to a rehearing. I note that the tenant has filed an appeal to the District Court.

8. At the rehearing hearing, the tenant asserted that the landlord had mislead the Tribunal by denying that it had knowledge of certain facts relating to the actions of the other tenant about whose behaviour she had complained. I don't accept that the Tribunal made any error in terms of its understanding of the landlord's state of knowledge, but even if it did, they were not material to the decision. They would also be points to be made on appeal, not grounds for a rehearing.

9. The tenant also invited the Tribunal to grant a rehearing to consider awarding compensation for the non-physical harm she suffered due to the other tenant's actions. To be clear, the Tribunal accepted that awarding such compensation was legally possible, but because the Tribunal found that the landlord was not in breach of the applicable obligation, there could be no award of compensation.

10. The tenant's name and identifying details are suppressed for the same reasons given in the substantive order.

R Armstrong
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.