[2025] NZTT 5297441

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: Hayden George Barr

Tenant

RESPONDENT: [The respondent/s]

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 landlord's name and identifying details (including that of [The property manager/s].
2. The application against [The property manager/s] is dismissed.
3. **BY CONSENT** the tenant's application is dismissed [The landlord/s] must pay Hayden George Barr $2,750.00 by 5pm on Friday 29 August 2025 in full and final settlement of Mr Barr's application.

Reasons:

1. Both parties attended the hearing. [The property manager/s] attended for the landlord.
2. The tenant advised that he was moving out either today or tomorrow and that the landlord knew of this, and the landlord agreed. This means the tenant no longer requires an order setting aside a notice to terminate his tenancy on the basis that it is retaliatory. It also would not be appropriate for me to make the work orders he seeks given the tenancy is about to end.
3. The tenant's remaining claims are for compensation and exemplary damages for a failure to maintain the premises in relation to mould, a roof leak and a hot water cylinder leak.

4. The tenant's application named the landlord but also named the property manager himself in his personal capacity. I am not satisfied that [The property manager/s] is anything other than the property manager who is working for the landlord. The Landlord is [The landlord/s]. That is clear from the tenancy agreement. Therefore, I have dismissed the claim against [The property manager/s] because he is not a landlord, and the Tribunal only can deal with disputes between landlords and tenants.
5. After hearing some of the claims the parties agreed to settle the case between themselves. The tenant also expressed that he did not want to continue.
6. The parties agreed that the tenant would be paid $2,750 by the landlord in full and final settlement of all of his claims in his application before the Tribunal and payment would be by Friday 29 August 2025.
7. The landlord seeks name suppression (section 95A, Residential Tenancies Act 1986). I award this on the landlord's behalf because it is in the public interest that parties can settle their disputes. It is also awarded to [The property manager/s] as he was not appropriately named as a party.
8. The tenant does not want name suppression and so I have not awarded him that.

M Kemp
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.