[2025] NZTT 5274683

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Barfoot & Thompson Limited As Agent For Prem Prakash & Haseena Hasmeer Landlord
RESPONDENT:	Shaniya Dean Tenant
TENANCY ADDRESS:	Unit/Flat Unit 1, 263 Porchester Road, Takanini, Takanini 2112

ORDER

1. The tenancy of Shaniya Dean at Unit/Flat Unit 1, 263 Porchester Road, Takanini, Takanini 2112 is terminated, and possession is granted to Barfoot & Thompson Limited As Agent For Prem Prakash & Haseena Hasmeer, at 11.59pm on Tuesday 26 August 2025.
2. The Bond Centre is to pay $962.72 from the bond of $1,500.00 (BN-00129977) to Barfoot & Thompson Limited As Agent For Prem Prakash & Haseena Hasmeer immediately.
3. The balance of the bond of $537.28 is to remain at the Bond Centre.

Description	**Landlord**	**Tenant**
Rent arrears as at 26 August 2025	$935.72	
Filing fee reimbursement	$27.00	
Total award	**$962.72**	

Reasons:

1. This application was scheduled to be heard by video conference. The tenant did not link to the Teams link provided to her and both calls I made to the number provided to her did not go through. The hearing proceeded in her absence.
2. The landlord has applied for termination of the tenancy for breach of the tenant's obligations.

Should the tenancy be terminated?

3. The Tribunal may terminate a tenancy for breach where, due to the nature or extent of the breach, it would be inequitable to refuse to terminate. See section 56(1) Residential Tenancies Act 1986.
4. Where the breach is capable of remedy the landlord must first serve a notice on the tenant requiring them to remedy the breach within at least 14 days and establish that the tenant has failed to do so.
5. The tenant has breached their obligations by failing to pay rent as and when it fell due.
6. The landlord served a 14-day notice on the tenant on 9 July 2025, and the tenant did not remedy the breach within the required period.
7. It would be inequitable to refuse to terminate the tenancy because the tenant has had a number of notifications regarding rent arrears and she did not attend today's hearing in order to assist in resolving this matter.
8. I am also ordering the tenant to reimburse the filing fee to the landlord because the landlord was wholly successful with the claim against her.

THE SEAL OF THE TENANCY TRIBUNAL

C ter Haar
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.