[2025] NZTT 5321399

TENANCY TRIBUNAL AT PALMERSTON NORTH | TE TARAIPIUNARA RETIHANGA KI TE PAPAIOEA

APPLICANT:	Kāinga Ora–Homes And Communities Landlord
RESPONDENT:	Catherine Teriini Tenant
TENANCY ADDRESS:	9E Blacklock Avenue, Henderson, Auckland 0612

ORDER

1. The tenancy at 9E Blacklock Avenue, Henderson, Auckland 0612 is terminated and possession granted to Kainga Ora Homes and Communities immediately.

Reasons:

1. The landlord attended the hearing, which was conducted by phone. Two attempts to reach the tenant were unsuccessful.
2. The landlord has applied to the Tribunal for an order terminating the periodic tenancy on the grounds of anti-social behaviour from the tenant or someone on the premises with the tenant's permission.
3. Subject to certain considerations, the Tribunal must make an order terminating the tenancy if it is satisfied:
    a. on 3 separate occasions within a 90-day period the tenant, or a person in the premises with the tenant's permission, engaged in anti-social behaviour in connection with the tenancy; and
    b. on each occasion the landlord gave the tenant written notice—
        i. describing clearly which specific behaviour was considered to be anti-social and (if known to the landlord) who engaged in it; and
        ii. advising the tenant of the date, approximate time, and location of the behaviour; and

iii. stating how many other notices (if any) the landlord has given the tenant under this paragraph in connection with the same tenancy and the same 90-day period; and

iv. advising the tenant of the tenant's right to make an application to the Tribunal challenging the notice and;

c. the landlord's application to the Tribunal was made within 28 days after the landlord gave the third notice.

4. The Act confirms that antisocial behaviour includes harassment or any act (whether intentional or not) that reasonably causes alarm, distress or nuisance that is more than minor.

5. The landlord provided three notices that had been given to the tenant on 24 April 2025, 12 June 2025 and 22 July 2025. On each occasion the anti-social behaviour was described. It was the same sort of behaviour each time: yelling abuse outside her property, disturbing the peace of the neighbours. I am satisfied that it would cause alarm and distress and it is more than minor.

6. The landlord has established that anti-social behaviour has occurred on the premises by the tenant The landlord has served notices on the tenant as required by the Act, and the application to the Tribunal was made within 28 days of the date of the third notice.

7. I consider it would not be unfair to terminate the tenancy taking into account the circumstances in which the behaviour arose and the notices were given. I cannot see that the landlord has acted in any retaliatory way in bringing this application.

8. I cannot consider the impact on the tenant, in making an order for termination of the tenancy.

9. The tenancy is terminated immediately and possession granted to the landlord.

10. Because an order has been made under section 55A, I did not need to consider the alternative ground under section 56 and so did not need to hear from witnesses.

11. The landlord did not seek reimbursement of the filing fee.

T Baker
27 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.