[2025] NZTT 5275201

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT:	Kāinga Ora–Homes And Communities Landlord
RESPONDENT:	[The respondent/s] Tenant
TENANCY ADDRESS:	27 Holland Street, Pukekohe, Pukekohe 2120

ORDER

1. The Tribunal orders suppression of the tenant's name and identifying details.
2. The tenant must carry out the following work to the premises, which must be completed by Friday 19 September 2025 -
   a. Mow the lawns, and
   b. Remove all rubbish from the outside of the premises, and
   c. Clean and tidy all surfaces inside the house to a reasonably clean and tidy standard.

Reasons:

1. The landlord attended the hearing by phone call.
2. The tenant was telephoned on the phone number provided but the phone call went unanswered. I am satisfied the tenant was properly served with notice of the hearing. The hearing proceeded in her absence.
3. The landlord claims that the tenant has failed to keep the premises reasonably clean and tidy. The landlord wants the problem fixed.
4. Under section 40(1)(a)-(e), Residential Tenancies Act 1986, a tenant has specific obligations in relation to the tenancy premises.

5. Where the Tribunal finds, the tenant has failed to comply with any of these obligations, where appropriate it may make an order for the landlord to carry out the work.[1]

6. If the work order is not being made by consent of both parties, the Tribunal must also make a monetary order as an alternative to compliance with the work order. This provision does not apply to any work order, or part of a work order, in relation to smoke alarms.[2]

7. A work order may also authorise the landlord to undertake the work and charge the tenant the costs of doing the work, if the tenant should fail to comply with the work order and alternative monetary order. A monetary limit must be imposed by the Tribunal on the amount of costs that can be charged. These costs can be treated as rent in arrears and enforced accordingly. [3] The landlord specifically did not seek monetary orders, therefore alternative monetary orders are not made. However, should the tenant fail to comply with the work orders, I note that the landlord could bring a further application to the Tribunal for breach of a work order if necessary.

Has the tenant failed to comply with their obligations?

8. The tenant has failed to keep the premises reasonably clean and tidy.

9. The landlord has provided photographs from May 2025 showing the lawns have not been mowed for quite some time, surfaces throughout the house a grubby and there is rubbish over the lawn.

10. The landlord served a 14 day notice to remedy a breach pursuant to section 56 of the RTA on 17 April 2025 and the landlord has said this was not remedied.

11. The landlord confirmed in oral evidence that a recent inspection was undertaken, and the breaches had not been remedied.

Suppression

12. The tenant did not attend the hearing, however given the length of the tenancy and that issues in relation to cleaning and tidiness have only arisen recently, of my own initiative I will grant the tenant name suppression. [4]

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[1] See section 78(1)(e) Residential Tenancies Act 1986.
[2] See sections 78(2) and 78(2AA) Residential Tenancies Act 1986.
[3] See sections 78(2AAB) and 78(2AAC)(a) Residential Tenancies Act 1986.
[4] See s 95 A of the RTA.

13. The tenant should be on notice however should the landlord be required to come back to the Tribunal due to her persistent breaching her obligations that name suppression is unlikely to be granted again and she may be putting her tenancy at risk.

N Bradley
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.