[2025] NZTT 5302316

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Kāinga Ora–Homes And Communities Landlord
RESPONDENT:	Edward Moore Tenant
TENANCY ADDRESS:	1 Curzon Street, Onehunga, Auckland 1061

ORDER

1. Edward Moore must remove all rubbish and inorganic materials from the inside the property, including front, rear, and side yards within 14 days from today.
2. Edward Moore must cut back and maintain all lawn and garden areas to a tidy and reasonable standard within 14 days from today.

Reasons:

1. Only the landlord, a social housing provider, attended the hearing. Calls to the tenant went unanswered.
2. I am satisfied from the evidence presented by the landlord that the tenant is in breach of their obligations by failing to keep the premises in a reasonably clean and tidy condition.
3. The tenant also breached their obligation failing to keep the yard tidy and leaving rubbish and inorganic materials in an untidy manner.
4. The landlord wants the problems fixed.
5. Under section 40(1)(a)-(e), Residential Tenancies Act 1986, a tenant has specific obligations in relation to the tenancy premises.

6. Where the Tribunal finds the tenant has failed to comply with any of these obligations, where appropriate it may make an order for the tenant to carry out the work. See section 78(1)(e) Residential Tenancies Act 1986.

7. In this case, the work order involves the tenant removing rubbish from the premises.

8. Section 77(2) RTA specifically provides the Tribunal shall have jurisdiction:

   (l) to order the landlord or the tenant under any tenancy agreement to which this Act applies to do anything necessary to remedy the breach by that party of any express or implied provision of the tenancy agreement or any provision of this Act, or to do anything that that party is required to do by any such provision:

   (m) to order the landlord or the tenant under any tenancy agreement to which this Act applies to refrain from doing anything if the doing of that thing by that party would constitute a contravention or (as the case may require) a further contravention of any express or implied provision of the tenancy agreement or any provision of this Act.

9. At this juncture, only work orders for the tenant to remove rubbish and inorganic materials from the property and to keep the grounds tidy are being sought by the social housing agency. The landlord reserves its right to apply for termination of the tenancy should the tenant fail to comply with the above work order within 14 days.

J Tam
28 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.