[2025] NZTT 5273105

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Linkpeople Limited

Landlord

RESPONDENT: Chloe Munro

Tenant

TENANCY ADDRESS: 60A Deanwell Avenue, Deanwell, Hamilton 3206

ORDER

1. Chloe Munro must pay Linkpeople Limited $8,142.53 immediately, calculated as shown in table below.
2. The Bond Centre is to pay the bond of $276.00 (3341726-015) to Linkpeople Limited immediately.

Description	Landlord	Tenant
Filing fee reimbursement	$27.00	
Replace furnishings	$1,875.37	
Meth testing/Cleaning	$6,305.91	
Repairs: toilet blockage	$210.25	
Total award	**$8,418.53**	
Bond	$276.00	
Total payable by Tenant to Landlord	**$8,142.53**	

Reasons:

1. A representative of Linkpeople attended the heraing which was conducted by phone. The tenant could not be contacted at the time of the hearing but I satisfied the Notice of Hearing was served at her email address for service.

2. The landlord has applied for refund of the bond, compensation for the cost methamphetamine testing and remediation and replacement furnishings as result of the contamination.

3. The landlord must prove that the tenant caused or permitted the contamination, or that it was caused by someone at the premises with the tenant's consent. The landlord must also prove that, as a result of the contamination, the premises have been damaged or are not reasonably clean.

4. Section 138C Residential Tenancies Act 1986 provides for regulations to be made prescribing the maximum acceptable level for contaminants, but as yet no regulations have been made in relation to methamphetamine.

5. There are currently two sources of guidance on the issue of a safe level of methamphetamine contamination in residential premises. In June 2017 Standards New Zealand published NZS 8510:2017. The standard recommended a maximum contamination level of 1.5µg/100cm^2 for high use areas where contamination has resulted from both consumption and manufacture. It recommended a higher level of 3.8µg/100cm^2 for limited use areas.

6. In May 2018 Professor Sir Peter Gluckman, the then Prime Minister's Chief Science Advisor, released a report *"Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards".* The report noted that there is a lack of scientific evidence to prove that low-level third-hand methamphetamine exposure poses a health risk to humans. It stated that guidelines should be proportionate to risk and that exposure to a level below 15µg/100cm^2 was unlikely to have an adverse effect. It recommended retaining the level of 1.5µg/100cm^2 where contamination resulted from manufacture, due to the risk posed by harmful chemicals used in the process.

7. The District Court has held that remediation should be carried out in accordance with the prevailing guidelines at the time (*Diamond Real Estate Limited v Allan* [2017] NZDC 833, Judge Kellar).

8. The Tribunal has generally applied the Gluckman recommendation. This approach was approved by the District Court in *Full Circle Real Estate Limited v Piper* [2019] NZDC 4947, where the Court stated (at para [36]):

> The Tenancy Tribunal was in a difficult position. The best state of knowledge of risk to human health from methamphetamine contamination available to the adjudicator was the Gluckman Report. It would have been bold for the adjudicator to have ignored that report in favour of the New Zealand Standard given that the Gluckman report represents the current scientific knowledge on the risk to human health from methamphetamine contamination in dwellings.

9. The District Court took a similar approach in *Acme Realty Limited v Hogg and others* [2021] NZDC 3231, where the Court referred to the *Full Circle* case and

held that, because NZS 8510:2017 has not been adopted into law, the Tribunal was not bound to apply the 1.5µg standard.

10. More recently, in *Barfoot and Thompson Limited v Kāhui Tū Kaha Limited* [2021] NZTT Auckland 4276319, both parties presented scientific evidence at a hearing before the Tribunal. The Tribunal concluded that there was no new scientific research to change the conclusions reached in the Gluckman Report.

11. Prior to the tenancy commencing methamphetamine testing was carried out and there was no sign of contamination.

12. At the end of the tenancy further testing was carried out and showed the following results:

    - Kitchen 2.57
    - Lounge 25.4
    - Hallway 15.6
    - Bathroom 3.91
    - Bedroom 1 24.2
    - Bedroom 2 12.2
    - Bedroom 3 15.2

13. I am satisfied the landlord has established that the tenant caused or permitted the contamination, or that it was caused by someone at the premises with the tenant's consent.

14. As the majority of the rooms exceeded the level adopted by the District Court I am satisfied that as a result of the contamination, the premises have been damaged or are not reasonably clean and therefore the claim for decontamination is granted.

15. As a result of the decontamination the landlord also seeks reimbursement for the costs of replacement carpet, curtains and nets and blinds.

16. The landlord states that the chattels were not new at the start of the tenancy in October 2022, with the tenancy ending on 27 March 2025, however they were in good condition. It is estimated they were 5 years old.

17. In calculating the compensation to be awarded I have taken into account betterment and depreciation. The landlord should be returned to the position they would have been in had the tenant not breached their obligations, and should not be better or worse off. In calculating depreciation, I have taken into account the age and condition of the items at the start of the tenancy and their likely useful lifespan. The expected age of carpet is 15 years, curtains 8 years and blinds 3 years.

18. The landlord is also claiming the compensation for the plumbing costs of unblocking the toilet which had been blocked by the tenant. This claim is awarded.

19. Because Linkpeople Limited has substantially succeeded with the claim I have reimbursed the filing fee.

J Robson
01 September 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.