[2025] NZTT 5297099

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	360 Property Management Limited As Agent For R & B Wong Landlord
RESPONDENT:	Repeka Tapuai Tenant
TENANCY ADDRESS:	Unit/Flat Flat 2, 18 Lowburn Place, Clover Park, Auckland 2019

ORDER

1. Repeka Tapuai must pay 360 Property Management Limited As Agent For R & B Wong $1,366.86 immediately, calculated as shown in table below.

Description	**Landlord**	**Tenant**
Rent arrears to 5 November 2024	$162.86	
Water rates: to 5 November 2024	$681.93	
Lock/key replacement	$495.07	
Filing fee reimbursement	$27.00	
Total award	**$1,366.86**	
Total payable by Tenant to Landlord	**$1,366.86**	

Reasons:

1. The landlord attended the hearing. The tenant did not.
2. I am satisfied that the tenant had received proper notice of the hearing time, date and place and chose not to attend.
3. The landlord has applied for rent arrears, compensation, and reimbursement of the filing fee following the end of the tenancy.

Service of notice of hearing on tenant

4. The tenancy ended on `5 November 2024. The application to the Tribunal was made more than 2 months after the termination of the tenancy, being 30 June 2025.

5. Section 91AA of the Residential Tenancies Act 1986 (RTA) states

> "If the landlord files an application more than 2 months after the termination of the tenancy to which it relates, any notice or other document required to be served on the tenant relating to the application must be given to or served on the tenant—
>
> (a) personally; or
>
> (b) by posting it to a contact address that the tenant has supplied to the landlord in writing within the 2 months before the application; or
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> (c) by delivering it to the place where the tenant now lives and giving it to any person appearing to be aged 16 years or older who appears to be residing at that place and who confirms that the tenant resides there; or
>
> (d) by giving it to any solicitor or other agent of the tenant duly authorised by the tenant to receive service on his or her behalf" or
>
> (e) if the landlord files the application no later than 2 years after the termination of the tenancy to which it relates, by transmission to an email address given by the tenant as an address for service; or
>
> (f) if the landlord files the application more than 2 years after the termination of the tenancy to which it relates, by transmission to an email address that the tenant has used to communicate with the landlord, or otherwise supplied to the landlord in writing, within the 2 years before the application".

6. The notice of hearing and other evidence provided by the landlord has been served on the tenant to the email address for service provided on the tenancy agreement and the bond lodgement form. I am satisfied that the notice and/or other document has been served on the tenant in accordance with the RTA.

How much is owed for rent and water rates?

7. The tenancy ended on 5 November 2024. The landlord provided rent records and water rates invoices which prove the amounts owing at the end of the tenancy.

Did the tenant comply with their obligations at the end of the tenancy?

8. At the end of the tenancy the tenant must leave the premises reasonably clean and tidy, remove all rubbish, return all keys and security devices, and leave all chattels provided for their benefit. See section 40(1)(e)(ii)-(v) Residential Tenancies Act 1986. The tenant is required to replace worn out smoke alarm

batteries during the tenancy. See section 40(1)(ca) Residential Tenancies Act 1986. The tenant must also replace standard light bulbs.

9. The tenant was evicted, did not return the keys and the locks needed to be changed accordingly.

10. The amounts ordered are proved.

Reimbursement of filing fee

11. Section 102(4) of the RTA confirms that applicants that are wholly or substantially successful in proving their claims will have their filing fee reimbursed.

12. Because 360 Property Management Limited As Agent For R & B Wong has wholly succeeded with the claim I must reimburse the filing fee.

M Pollak
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.