[2025] NZTT 5291925

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Shirley Yuen Kwan Lam

Tenant

RESPONDENT: Ranjit Singh, Simranjit Kaur

Landlord

TENANCY ADDRESS: 18 Manuka Road, Huntly, Huntly 3700

ORDER

1. By declaration, the Tribunal does not have jurisdiction under the Residential Tenancies Act 1986 in relation to the premises occupied by Shirley Yuen Kwan Lam at 18 Manuka Road, Huntly.
2. The application is dismissed.

Reasons:

1. Both parties attended the hearing by video. The tenant was assisted by a Mandarin interpreter who attend by telephone.
2. The tenant has applied for refund of her bond.
3. The parties signed a flat sharing agreement. The issue of whether this situation was within the jurisdiction of the Tribunal arose.
4. The evidence was that the premises is a five-bedroom, 2-bathroom home occupied by the landlords, the tenant and one other flatmate. The tenant shared the bathroom with the other flatmate and all occupants shared the kitchen and lounge area.
5. The landlord confirmed that this is their first home.

6. Section 5(1) of the Residential Tenancies Act 1986 states,

This Act shall not apply in the following cases:

…

(n) where the premises, not being a boarding house, continue to be used, during the tenancy, principally as a place of residence by the landlord or the owner of the premises or by any member of the landlord's or owners family.

7. The premises is not a boarding house because it does not come within the definition as set out in section 66B of the Residential Tenancies Act 1986 which states,

***boarding house** means residential premises—*

(a) containing 1 or more boarding rooms along with facilities for communal use by the tenants of the boarding house; and

(b) occupied, or intended by the landlord to be occupied, by at least 6 tenants at any one time

8. On the evidence and in accordance with section 5(1)(n) it is declared that the Act does not apply in this situation and therefore the Tribunal does not have jurisdiction.

9. The application is dismissed.

N Walker
08 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.