TENANCY TRIBUNAL AT KAIKOHE | TE TARAIPIUNARA RETIHANGA KI KAIKOHE

APPLICANT: Northland Circle Real Estate Limited t/as Ray White Kaikohe (as agent for Sean Foong)

Landlord

RESPONDENT: Shirley Tepana

Tenant

TENANCY ADDRESS: 16B Clifford Street, Kaikohe 0405

ORDER

1. Shirley Tepana must pay Northland Circle Real Estate Limited (as agent for Sean Foong) $4,814.83 immediately, calculated as shown in table below.
2. The Bond Centre is to pay the bond of $880.00 (3001567-033) to Northland Circle Real Estate Limited immediately.

Description	**Landlord**	**Tenant**
Rent arrears to 10 June 2025	$1,045.42	
Previous order application 5267000 dated 12/06/2025	$27.00	
Water rates	$531.92	
Pest control: Fleas	$338.98	
Pest control: Cockroaches	$345.00	
Rubbish removal	$1,220.00	
Lock/key replacement	$301.01	
Cleaning	$1,857.50	
Filing fee reimbursement	$28.00	
Total award	**$5,694.83**	
Bond	$880.00	
Total payable by Tenant to Landlord	**$4,814.83**	

Reasons:

Background

1. The tenancy began on 11 September 2020 and ended on 10 June 2025.
2. The landlord's application seeks rent arrears, water rates, cleaning, rubbish removal, pest control, and change of locks costs.
3. The hearing took place in Kaikohe on 8 September 2025. Ms Timmins and Ms Loane represented the landlord. There was no appearance by the tenant. Notice of the hearing was served on the tenant. The hearing proceeded in the tenant's absence.[1]

Rent arrears

4. The landlord issued a 90-day notice to terminate the tenancy. The tenant did not vacate on the due date. The landlord obtained a possession order.
5. Tenants remain liable for rent whilst they are in possession of the premises.[2]
6. The landlord's rent record establishes rent arrears of $1,045.42 to 10 June 2025.

Water rates

7. The tenant made some payments towards water during the tenancy.
8. The landlord's ledger shows that there is a balance of $452.72 outstanding from previous water rates invoices up to 1 April 2025. Water use from 1 April 2025 to the end of the tenancy was $79.20.
9. The claim is proven.

Cleaning, rubbish, pests, locks

10. At the end of the tenancy the tenant must remove all rubbish, return all keys, and leave the premises reasonably clean and tidy.[3]
11. Ms Timmins and Ms Loane provided photographs showing the condition of the premises when they re-took possession. The premises were in an extremely unclean and untidy condition. In particular:
    a. The premises were full of abandoned belongings and rubbish.
    b. There was also rubbish outside and throughout the overgrown lawns.

[1] Section 92 Residential Tenancies Act 1986 ("RTA")
[2] Section 60 RTA
[3] Section 40(1)(e)(iii) RTA

c. The inside of the property had not been cleaned in a long time.

d. The property was badly infested with cockroaches and with fleas.

12. Ms Timmins and Ms Loane presented invoices for three lots of cleaning (by different contractors), rubbish removal, two lots of pest control (cockroaches and fleas).

13. The amount claimed is very significant. I have carefully considered the photographs and invoices. Although this was a small unit, the cost of the work is justified by the evidence provided. The photographs show the nature and extent of the mess, and there are also detailed comments on some of the invoices. For instance, I note that the oven needed to be cleaned three times to bring it to a reasonable standard. That is unusual and extraordinary, but justified in this instance having regard to the landlord's photographs.

14. The tenant did not return the keys at the end of the tenancy. The claim for change of locks is proven.

Filing fee, bond

15. The landlord was successful in this application and I must also award the landlord the filing fee.[4]

16. The bond will be released to the landlord.

17. The landlord was awarded the filing fee in a previous application.[5] The fee has not been paid. That outstanding amount is incorporated into this order for ease of enforcement.

THE SEAL OF THE TENANCY TRIBUNAL

N Blake
08 September 2025

[4] Section 102(4)(a) RTA
[5] *Northland Circle Real Estate Ltd v Tepana* [2025] NZTT 5267000

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.