[2025] NZTT 5282724

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Rentals.Co.Nz Limited Acting As Agent For Cindy Smith And Grant Mclellan Landlord
RESPONDENT:	Fiona Henare Tenant
TENANCY ADDRESS:	5 Holmes Avenue, Otangarei, Whangarei 0112

ORDER

1. Fiona Henare must pay Rentals.Co.Nz Limited Acting As Agent For Cindy Smith And Grant Mclellan $871.49 immediately, calculated as shown in table below:
2. The Bond Centre is to pay the bond of $1,600.00 (3006732-017) to Rentals.Co.Nz Limited Acting As Agent For Cindy Smith And Grant Mclellan immediately.

Description	**Landlord**	**Tenant**
Water rates arrears to 27/05/2025	$584.49	
Cleaning	$495.00	
Rubbish removal/Lawnmoving	$1,365.00	
Filing fee reimbursement	$27.00	
Total award	**$2,471.49**	
Bond	$1,600.00	
Total payable by Tenant to Landlord	**$871.49**	

Reasons:

1. The applicant advises that the tenancy came to an end on 27 May 2025 following 42 days' notice as the property was sold with vacant possession. The applicant makes four claims: water rates arrears of $584.49, cleaning costs of $495.00, rubbish removal and lawn mowing costs of $1,365.00, and the application filing fee of $27.00.

Claim One: Water Rates

2. The applicant has provided water rates bills and summaries showing the amounts owing. I am satisfied this accurately records the arrears, and I award $584.49 for water rates.

Claim Two: Cleaning

3. Under the Residential Tenancies Act 1986, tenants must return the premises in a reasonably clean and tidy condition. The Act does not require the property to be immaculate; rather, the Tribunal must assess what is "reasonable" by considering the evidence, particularly photographs, and taking into account factors such as the length of the tenancy and the general condition of the premises. The onus is on the landlord, as the party bringing the claim, to prove on the balance of probabilities that the tenant failed to meet this obligation. In this case, the photographs provided show that the property fell significantly short of a reasonably clean standard. I am satisfied that the landlord has established a breach, and I award $495.00 for cleaning costs.

Claim Three: Rubbish Removal and Lawn Mowing

4. S40(1)(e) of The RTA also requires tenants to remove or arrange the removal of all rubbish at the end of the tenancy. The exit inspection photographs clearly show a substantial amount of rubbish and discarded appliances left at the premises, along with lawns that were overgrown. This evidence establishes, on the balance of probabilities, that the tenant failed to comply with their obligations. I therefore award $1,365.00 for rubbish removal and lawn mowing.

Claim Four: Application Filing Fee

5. As the applicant has been wholly successful in the proceeding, the application filing fee must be awarded. I award $27.00.

H Ben Fayed
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.