[2025] NZTT 5309179, 5309959

5336068

TENANCY TRIBUNAL AT HUTT VALLEY | TE TARAIPIUNARA RETIHANGA KI TE AWAKAIRANGI

APPLICANT: All Things Property Limited As Agent For St Mary's Silverstream

Landlord

RESPONDENT: Sarah Parker

Tenant

TENANCY ADDRESS: 2 Gloucester Street, Silverstream, Upper Hutt 5019

ORDER

1. All Things Property Limited As Agent For St Mary's Silverstream is granted possession of the premises at 2 Gloucester Street, Silverstream, Upper Hutt 5019 at 11.59 pm on Thursday 11 September 2025.
2. Sarah Parker's application is dismissed.
3. All other claims are dismissed.
4. Sarah Parker must pay All Things Property Limited As Agent For St Mary's Silverstream $4,513.15 immediately, calculated as shown in table below:

Description	**Landlord**	**Tenant**
Rent arrears to 11 September 2025	$7,057.15	
Filing fee reimbursement: 5309179	$28.00	
Filing fee reimbursement: 5309959	$28.00	
Total award	**$7,113.15**	
Bond	$2,600.00	
Total payable by Tenant to Landlord	**$4,513.15**	

Reasons:

1. The landlord attended the hearing.
2. The landlord wants possession and to defend the claims made by the tenant. The tenant wants orders for compensation and exemplary damages for breaches by the landlord. The questions I have to decide include:
    - Should I allow an adjournment?
    - Should I make an order for possession?
    - How much does the tenant owe?
    - Should I make an order for suppression?

Should I allow an adjournment?

3. The tenant asked for an adjournment two days before the hearing. She was asked to provide supporting evidence. She provided photos but nothing from an independent person, such as a nurse or doctor, to confirm she was not well enough to attend the hearing. The adjournment was not allowed and the tenant was notified.
4. The tenant's application 5336068 is dismissed because she did not attend the hearing.

Should I make an order for possession?

5. The landlord has applied for possession of the premises following the termination of the tenancy.
6. The tenancy ended on 7 August 2025 but the tenant has not moved out. The Landlord served a 90 day notice and I confirmed the notice was a valid notice in an order made on 9 July 2025.
7. The requirements of section 64(1) of the Residential Tenancies Act 1986 (RTA) are that a possession order must be made within 90 days of the termination of the tenancy. These requirements are satisfied and a possession order is made.

How much does the tenant owe?

8. The landlord has applied for rent arrears and has provided rent records which prove the amount owing. This claim is proved and allowed.
9. Because the landlord has substantially succeeded with the claim I have reimbursed the filing fees. The landlord filed two applications. The first was for possession and rent arrears. The second was for a direction the landlord was

prevented from completing a work order. I find both were valid applications and the tenant should pay both fees.

Should I make an order for suppression?

10. The tenant made a written application for suppression in advance of the hearing. The landlord wants no suppression orders to be made. The Tribunal may, on the application of any party to proceedings or on its own initiative, order that the name of a party not be published, having regard to the interests of the parties and to the public interest. See section 95A RTA.

11. The tenant was advised that the issue of suppression would be considered at the hearing. She did not attend the hearing. Orders have been made against her and she owes a significant amount of rent. The safety issues raised by the tenant will not be relevant when this order is published because she will not be living at the tenancy premises. I have weighed the interests and I find the public interest in her name is greater than any potential safety risk. This means both parties' names will be published.

THE SEAL OF THE TENANCY TRIBUNAL

K Koller
11 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.