[2025] NZTT 5329500

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Kāinga Ora–Homes And Communities

Landlord

RESPONDENT: Tarjhay Aree Panapa Wilson

Tenant

TENANCY ADDRESS: Unit/Flat 7, 7 Colin Street, Mangere, Auckland 2022

ORDER

1. The tenancy of Tarjhay Aree Panapa Wilson at Unit/Flat 7, 7 Colin Street, Mangere, Auckland 2022 is terminated, and possession is granted to Kāinga Ora–Homes And Communities immediately.
2. Tarjhay Aree Panapa Wilson must pay Kāinga Ora–Homes And Communities $797.50 immediately, calculated as show in the table below.

Description	**Landlord**	**Tenant**
Rent arrears to 1 September 2025	$797.50	
Total award	**$797.50**	
Total payable by Tenant to Landlord	**$797.50**	

Reasons:

1. The landlord attended the hearing on 11 September 2025. The tenant did not.
2. The landlord has applied for termination of the tenancy for abandonment and rent arrears.
3. As the applicant, the landlord must prove their claim to the civil law standard of proof, on the balance of probabilities.

Should the tenancy be terminated?

The law

1. The Tribunal may terminate a tenancy where the premises have been abandoned and rent is in arrear at the hearing date.[1]
2. A tenancy is abandoned where the tenant leaves the premises without reasonable excuse, not intending to return or to meet their obligations, and fails to notify the landlord.

Analysis

3. The landlord submitted photographs taken during an inspection on 21 July 2025. The premises are mostly bare, with very few personal belongings. There is minimal food in the kitchen cupboards. Noone appears to be living inside the premises.
4. The landlord sent the tenant a 14-day notice on 22 July 2025, requiring the tenant to contact them and return to the premises.
5. The landlord submitted an email sent from the Ministry of Social Development on 8 August 2025 advising the tenant had left the country.
6. The landlord submitted photographs taken on 11 August 2025, which show the premises in exactly the same condition as 21 July 2025.
7. All of this evidence convinces me on the balance of probabilities that the tenant has abandoned the premises.
8. The landlord submitted a rent summary, which proves the tenant is in rent arrears of $1,047.34 at the date of the hearing.
9. Because the tenant has abandoned the premises and the rent is in arrears, I order termination of the tenancy immediately.

How much in rent arrears does the tenant owe the landlord?

The law

10. In the case of a periodic tenancy, a tenant who abandons the premises must pay rent up to and including, but not after, the following date:
    a. The expiry of the period of 21 days after the landlord became aware or ought reasonably to have become aware that the tenant had abandoned the premises; or
    b. The date of commencement of a new tenancy of the premises.

[1] Residential Tenancies Act 1986, section 61.

11. Whichever occurs first determines the date the tenant must pay rent up to.

Analysis

12. I find that the landlord became aware or ought reasonably to have become aware that the tenant had abandoned the premises when they completed their inspection on 11 August 2025.

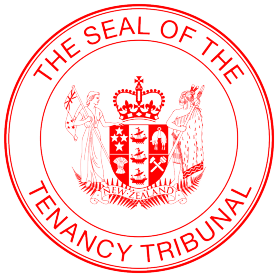
13. This was a periodic tenancy and a new tenancy has not yet begun. Therefore, the tenant is required to pay rent up to and including the date that is 21 days after 11 August 2025, which is 1 September 2025.

14. The landlord submitted a rent summary, which proves rent arrears are $797.50 up to and including 1 September 2025.

15. The landlord's claim for rent arrears is granted for $797.50.

Filing fee

16. The landlord made an application not to be reimbursed the filing fee. Therefore, I do not order the tenant to pay the landlord the filing fee.



L Ryken
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.