[2025] NZTT 5314960

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: Feagaiga Ropati

Tenant

TENANCY ADDRESS: 4 Old Park Place, Takanini, Takanini 2112

ORDER

1. The Tribunal orders, upon the landlord's request, that the landlord's name and identifying details be suppressed.
2. The tenancy of Feagaiga Ropati at 4 Old Park Place, Takanini, Takanini 2112 is terminated, [The landlord/s] is granted immediate possession.
3. Feagaiga Ropati must pay [The landlord/s] $2,741.28 immediately, for unpaid rent to 11 September 2025 and the Tribunal's filing fee, calculated as shown below:

Description	**Landlord**	**Tenant**
Rent arrears to 11 September 2025	$2,713.28	
Filing fee reimbursement	$28.00	
Total payable by Tenant to Landlord	**$2,741.28**	

Reasons:

What are the issues before the Tribunal?

1. The Tribunal had to decide if:
   a. the landlord is owed rent;
   b. the tenancy should be ended;

c. the landlord should be reimbursed for the filing fee; and

d. name suppression should be granted.

2. Also, since the tenant did not attend the hearing, the Tribunal had to decide whether to continue without him.

Should the Tribunal proceed in the tenant's absence?

3. The hearing was held by phone. The tenant's phone was called twice but seemed to be switched off.

4. The landlord confirmed the phone number was correct and had worked the previous week when discussing this upcoming hearing.

5. The Tribunal sent the hearing notice to the tenant's email address, which the landlord confirmed is correct.

6. The tenant did not contact the Tribunal to explain their absence or request a new hearing date.

7. Because the tenant was properly served (and appeared to be aware of the hearing), and as allowed under section 91 of the Residential Tenancies Act 1986, the Tribunal hearing continued without him.

How much rent is owed?

8. The landlord gave rent records showing the amount owed.

9. The Tribunal accepts these records as correct.

10. The landlord may later apply separately for the bond to be used to cover this amount if needed.

Should the tenancy be terminated?

11. If rent is more than 21 days overdue at the time of the landlord's application (as it was here), the Tribunal must end the tenancy, either finally or conditionally (section 55(1)(a) and (1A) of the Act).

12. The landlord said the tenant had recently started paying ongoing rent fortnightly but has not paid anything towards the arrears.

13. Because no payments have been made towards the debt, and the tenant did not attend the hearing to offer a plan, the Tribunal is not satisfied, as it must be, that the debt will be paid or that the tenant will not fall into further debt.

14. The Tribunal therefore orders a final termination, with immediate possession given to the landlord.

Should the Tribunal refund the filing fee?

15. Under section 102 of the Act, the Tribunal must order the tenant to repay the filing fee, because the landlord was wholly successful in the claim,.

Should the Tribunal order suppression?

16. Under section 95A of the Act, the Tribunal must order suppression because the landlord succeeded with its claim and seeks suppression.

P Singh
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.