[2025] NZTT 9068384

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Body Corporate 582899
Body Corporate

RESPONDENT: Seow See Ho
Owner

UNIT ADDRESS: Unit 18, 90A Hobsonville Road, Hobsonville, Auckland 0618, Foundry 3

This order amends the order, dated 10 September 2025, by correcting the costs table in order 1 to include Body Corporate Secretary charges. The rest of the order remains the same.

ORDER

1. Seow See Ho must pay Body Corporate 582899 $12,137.60 immediately, calculated as follows:

Descriptions	Applicant	Respondent
Unpaid levies	$5,114.71	
Body Corporate Secretary charges	$920.00	
Section 124 costs including GST and disbursements	$4,921.30	
Appearance at hearing ($280.00 per hour x 1 hour plus GST)	$322.00	
Filing Fee	$500.00	
Interest	$359.59	
Total payable by Respondent to Applicant	**$12,137.60**	

Reasons:

1. The applicant's representative attended the hearing which was held by video conference. The respondent did not attend. The Tribunal attempted to also contact the respondent by telephone but without success. I am satisfied that adequate service of the notice has been completed and considered it reasonable to proceed with the hearing in the respondent's absence.
2. The Body Corporate has applied for recovery of unpaid levies, interest, costs and the filing fee from the Unit Owner.

Does the Unit Owner owe the levies claimed?

3. A Unit Owner must pay all body corporate levies and outgoings payable for the unit. See sections 80(1)(f) and 121(1) Unit Titles Act 2010.
4. The Body Corporate has determined the levies payable and Unit Owner's share has been calculated according to their utility interest.
5. The Body Corporate has fixed the due date for the levies to be paid, and the Unit Owner has not paid the levies by that date. See section 124(1) Unit Titles Act 2010. The Body Corporate has provided records to prove the amount claimed.

Is the Unit Owner liable for interest?

6. If a Unit Owner fails to pay levies by the due date, interest accrues on the unpaid balance. A Body Corporate may charge interest up to 10% per annum. See section 128 Unit Titles Act 2010.
7. The Body Corporate has resolved to charge interest at 10% per annum on unpaid levies. The Body Corporate has proved the amount of interest owing from the due date to the hearing date.

Is the Unit Owner liable for costs?

8. Pursuant to section 124 UTA, and as resolved at meetings of the Body Corporate, the Body Corporate is entitled to recover any reasonable costs incurred by it in collecting unpaid levies as a debt due by the owner to the Body Corporate. In accordance with the judgments (of the District Court and Court of Appeal respectively) in *Body Corporate 162791* v *Cheah* DC Auckland, CIV2014-004-0120, 24 June 2014 and *Body Corporate 162791* v *Gilbert* [2015] NZCA 185, the Tribunal must order that the reasonable costs incurred by the Body Corporate in recovering the levies, objectively assessed, be paid by a defaulting Unit Owner.
9. I am satisfied that the costs ordered above are reasonable.

10. As the Body Corporate has succeeded with the claim, I must order the respondent to reimburse the filing fee. Section 176(1) Unit Titles Act 2010 and section 102(4) Residential Tenancies Act 1986.

J Setefano
10 September 2025
12 September 2025 (amended order)

Please read carefully:

SHOULD YOU REQUIRE ANY HELP OR INFORMATION REGARDING THIS MATTER PLEASE CONTACT **UNIT TITLE SERVICES 0800 864 884**.

MEHEMA HE PĀTAI TĀU E PĀ ANA KI TENEI TAKE, PĀTAI ATU KI TE TARI **UNIT TITLE SERVICES 0800 864 884**.

AFAI E TE MANA'OMIA SE FESOASOANI E UIGA I LENEI MATAUPU FA'AMOLEMOLE IA FA'AFESO'OTAI'I LOA LE OFISA O LE **UNIT TITLE SERVICES 0800 864 884**.

Rehearings:

You may make an application to the Tenancy Tribunal for a rehearing. Such an application must be made within five working days of the order and must be lodged at the Court where the dispute was heard.

The ***only*** ground for a rehearing of an application is that a substantial wrong or miscarriage of justice has or may have occurred or is likely to occur. Being unhappy or dissatisfied with the decision is not a ground for a rehearing. (See 'Right of Appeal' below).

Right of Appeal:

If you are dissatisfied with the decision of the Tenancy Tribunal, you may appeal to the District Court. You only have 10 working days after the date of the decision to lodge a notice of appeal.

However, you may **not** appeal to the District Court:

1. Against an interim order made by the Tribunal.
2. Against an order, or the failure to make an order, for the payment of money where the amount that would be in dispute on appeal is less than $1,000.
3. Against a work order, or the failure to make a work order, where the value of the work that would be in dispute on appeal is less than $1,000.

There is a $200.00 filing fee payable at the time of filing the appeal.

Enforcement:

Where the Tribunal made an order that needs to be enforced then the party seeking enforcement should contact the Collections Office of the District Court on **0800 233 222** or go to www.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.