[2025] NZTT 5224352

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Philip Lindsay Delany

Landlord

RESPONDENT: Chantel Allen Trickett

Tenant

TENANCY ADDRESS: 20 Stanley Road, Glenfield, Auckland 0629

ORDER

1. Chantel Allen Trickett must pay Philip Lindsay Delany **$45,922.25** immediately, as per the table below.

Description	**Landlord**	**Tenant**
Rent arrears from 25.6.24 to 25.8.25	$41,480	
Filing fee reimbursement	$27.00	
Lock/key replacement	$424.35	
Costs	$3990.87	
Total award	**$45,922.25**	

Reasons:

1. Only the landlord attended the hearing.
2. The tenancy in this matter was terminated by order of the Tribunal on 7 July 2025. The tenant did not vacate the premises and remained in possession until 25 August 2025. Possession was only returned to the landlord following the intervention of the Bailiff.
3. The landlord has previously obtained a judgment from the District Court for rent arrears owing as at 25 June 2024.

4. The landlord has applied for rent arrears from 25 June 2024 to 25 August 2025 of $41,480. I am satisfied that the evidence establishes this is the rent owing for this period.

Did the tenant comply with their obligations at the end of the tenancy?

5. At the end of the tenancy the tenant must return all keys and security devices, and leave all chattels provided for their benefit. See section 40(1)(e)(ii)-(v) Residential Tenancies Act 1986.

6. The landlord seeks locksmiths' costs of $424.35. The tenant did not provide the keys to the landlord and so a locksmith had to be engaged. These costs are therefore proven.

Costs

7. The landlord seeks costs under s 102 of the Residential Tenancies Act 1986. The application has been successful. The landlord was entitled to appoint Counsel because the matter in dispute was over $6,000.

8. The Tribunal has a discretion to award costs where parties instruct Counsel (s 102(2)(b)).

9. The costs factors and principles the Tribunal applies are set out extensively in *Holden v Architectural Finishes Ltd.*[1] Costs follow the event and the usual principles therefore apply.

10. In *BC v Ikeda*,[2] DCJ Harrison noted that it was clear the Tribunal was bound to fix costs according to legal principle applicable in doing so, and cannot seize upon a figure which appears to the adjudicator to be an appropriate amount.

11. His Honour referred with approval to the approach in *French v Ryan,*[3] that in assessing what a reasonable contribution to costs might be it is appropriate to consider the actual costs involved.

12. In this case, the actual costs incurred amount to $7,981.75.

13. This is not a case where it would be appropriate to order that costs lie where they fall. I consider it appropriate to award costs in this case. The amount involved was substantial and the issues as they developed became complex. The matter has taken up a reasonable amount of Tribunal time.

14. I am therefore prepared to award 50% of the actual costs, being $3,990.87.

---

[1] [1997] 3 NZLR 143

[2] *[2020] NZDC 3669*

[3] *HM Taumaunu DCJ, 29 November 2012, CIV-2012-004-000711.*

15. I note for completeness there were other claims against the tenant that were also filed. During the hearing these were withdrawn by the landlord, who may bring a fresh application for those items in the future if he sees appropriate.

16. Because Philip Lindsay Delany has substantially succeeded with the claim I have reimbursed the filing fee.

D Watson
15 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.