[2025] NZTT 5264679

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Kāinga Ora–Homes And Communities

Landlord

RESPONDENT: Kimiora Helen Albert

Tenant

TENANCY ADDRESS: 1B Jamieson Road, Kaitaia, Kaitaia 0410

ORDER

1. Kimiora Helen Albert must pay Kāinga Ora – Homes and Communities the sum of $2,907.97 immediately, as detailed below:

Description	Landlord	Tenant
Rent arrears to 11 February 2025	$296.43	
Rubbish removal inside shed and house	$2,119.18	
Rubbish removal outside house	$492.36	
Total payable by Tenant to Landlord	**$2,907.97**	

Reasons:

1. The landlord attended the hearing and applied for recovery of rent arrears and compensation for the cost of rubbish removal following the end of the tenancy.
2. The tenant did not attend the hearing and could not be contacted via the most recent phone number provided to the landlord. As such, her position on the claims is unknown.

Should the Tribunal proceed without the tenant?

3. The tenant's email address, as recorded in the tenancy agreement, matched the one used by the landlord in its application. The Tribunal Registry served the hearing notice and sent email and text reminders to that address and associated number. No contact was received from the tenant before or during the hearing, nor at the time of this Order, to request an adjournment or alternative hearing arrangements.
4. The same email address also appears in correspondence filed by the landlord supporting its application. The Tribunal is satisfied that the tenant was properly served and, as indicated in the hearing notice and pursuant to section 91 of the Residential Tenancies Act 1986, has proceeded in her absence.
5. Unfortunately, the tenant's non-attendance meant she missed the opportunity to request a payment arrangement. As a result, the amount is now immediately due and enforceable.

How much is owed for rent?

6. The tenancy ended on 11 February 2025. The landlord provided rent records confirming arrears of $296.43 at the end of the tenancy. This amount is therefore ordered.

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

7. Under sections 40(1)(e)(ii) and (iii) of the Residential Tenancies Act 1986, the tenant is required at the end of the tenancy to:
    a. Leave the premises reasonably clean and tidy;
    b. Remove all personal belongings; and
    c. Remove all rubbish.
8. The landlord submitted pre- and post-tenancy inspection reports, along with invoices, showing the tenant failed to meet these obligations. The house and shed contained substantial amounts of belongings and waste, and based on photographs, the premises appeared occupied because of the amount of the number and nature of items left behind.
9. On the final day of the tenancy (11 February 2025), the tenant emailed the following at 10:01 AM:

> I KimiOra Helen Albert Puhipuhi
>
> Give full consent for KaingaOra to dispose of any furniture and items left at 1b Jameson Road Kaitaia
>
> ThankYou
>
> K.Albert

10. The Tribunal accepts this as consent for the landlord to dispose of the remaining items and is satisfied the landlord's consequent claims have therefore been substantiated.

Conclusion

11. The tenant must pay the total amount of $2,907.97 to the landlord without delay.

P Singh
16 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.