TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: Shayne Shirley-Mckay

Tenant

TENANCY ADDRESS: 3 Vance Street, Shannon, Shannon 4821

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the landlord's name and identifying details.
2. The tenancy of Shayne Shirley-Mckay at 3 Vance Street, Shannon, Shannon 4821 is terminated, and possession is granted to [The landlord/s], at midnight on Monday 22 September 2025.
3. The Bond Centre is to pay the bond of $1,820.00 ([Bond number suppressed]) to [The landlord/s] immediately.
4. Shayne Shirley-Mckay must pay [The landlord/s] $2,758.00 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent and rent arrears (rent arrears to 19 September 2025 of $4355.00 + rent to 22 September 2025 of $300.00)	$4,550.00	
Filing fee reimbursement	$28.00	
Total award	**$4,578.00**	
Bond	$1,820.00	
Total payable by Tenant to Landlord	**$2,758.00**	

Reasons:

1. The hearing proceeded by way of video conference. [Property Manager], Property Manager, was joined to the hearing by telephone. The tenant did not appear, and two unsuccessful attempts were made to join them to the hearing by telephone. The Tribunal was satisfied the tenant was properly served with the notice of hearing and the case proceeded in their absence.
2. The tenancy commenced on 24 September 2024 with the fixed term due to expire on 23 September 2025.
3. On 5 August 2025 the landlord filed an application seeking termination of the tenancy for breach of the tenant's obligations, rent arrears and refund of the bond.
4. The onus of proving these claims rests with the landlord. The standard required is on the balance of probabilities. The landlord must establish more likely than not that the tenant has breached the terms of the agreement or the provisions of the Residential Tenancies Act 1986 (the "Act").

Should the tenancy be terminated?

1. Under section 55(1) of the Act, the Tribunal must, subject to subsection 55(2) terminate the tenancy, if at the time the application was filed, the rent was at least 21 days in arrears.
2. Under section 56(1) of the Act, the Tribunal may terminate a tenancy if the tenant has failed to remedy a 14-day breach notice for rent arrears, and it would be inequitable to refuse termination.
3. Under section 56(2) of the Act, if an application is made under section 56(1) and, at the time of the hearing the rent was at least 21 days in arrears, the Tribunal shall determine the application as if it had been made under section 55(1) and (2) of the Act.

Reasons

4. The landlord provided up to date rent records which prove the amount owed.
5. The landlord issued a 14-day breach notice on 21 July 2025 advising the tenant they were $455.00 in rent arrears. The tenant was required to remedy the breach notice by 4 August 2025. The notice was not remedied.
6. The application was filed on 5 August 2025. At that time the rent arrears totalled $1430.00. Rent was more than 21 days in arrears. The tenancy is terminated. Possession is granted to the landlord at midnight on Monday 22 September 2025.
7. At the date of hearing the tenant's arrears total $4355.00. The amount claimed is ordered.

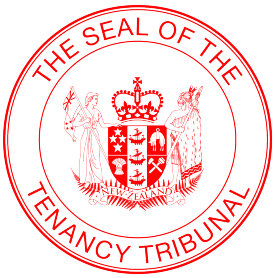
Costs

8. Because [The applicant/s] has wholly succeeded with the claim I must reimburse the filing fee.

Name Suppression

9. Section 95A of the Act provides that on the application of a party that has been wholly or substantially successful in proceedings, the Tribunal must order that the name or identifying particulars not be published, unless the Tribunal considers that it is in the public interest to publish the names of the parties, or is justified because of the parties' conduct, or any other circumstances of the case.

10. The landlord has been wholly successful and is granted name suppression.



M Feist
19 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.