[2025] NZTT 5245279

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Dickon Charles Coker

Landlord

RESPONDENT: Mark Galbraith

Tenant

TENANCY ADDRESS: 79 Hall Street, Cobden, Greymouth 7802

ORDER

1. Mark Galbraith must pay Dickon Charles Coker $2,560.00 immediately, calculated as shown in table below.

Description	Landlord	Tenant
Rent arrears to 12/6/2025	$2,533.00	
Filing fee reimbursement	$27.00	
Total award	**$2,560.00**	
Total payable by Tenant to Landlord	**$2,560.00**	

Reasons:

1. Only the landlord attended the hearing. The tenant did not answer calls to his telephone.
2. The landlord has applied for rent arrears and has provided rent records which prove the amount owing.
3. *How much is owed for rent?*
4. The tenancy ended on 12/6/2025. The landlord provided rent records which prove the amount owing at the end of the tenancy and confirmed that 17 1$

payments have been made by WINZ, that has reduced the debt, since the rent summary was provided.

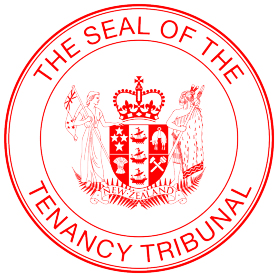
Is the tenant responsible for the damage to the premises?

5. A landlord must prove that damage to the premises occurred during the tenancy and is more than fair wear and tear. If this is established, to avoid liability, the tenant must prove they did not carelessly or intentionally cause or permit the damage. Tenants are liable for the actions of people at the premises with their permission. See sections 40(2)(a), 41 and 49B RTA.

6. The landlord claims for costs associated with a methamphetamine contamination discovered when he tested at the end of the tenancy which he estimates are around $10,000 more than his insurance cover, which is $27,000 plus GST. He says an elderly couple owned the home before he bought it and it is unlikely the contamination occurred while they were living there. He also received information that one of Mr Galbraith's boarders was using unlawful drugs. He requested the Tribunal to draw an inference.

7. The costs cannot be recovered as there was no pre-tenancy testing conducted at the beginning of the tenancy, which would establish to the required standard that the contamination occurred during the tenancy. In Brooking and Hodges v Imrie [2021] NZDC 16976 was considering whether premises were contaminated with methamphetamine during a tenancy. In that case too there was no pre-tenancy inspection. The only evidence that the tenants had caused the contamination was largely circumstantial. The Court confirmed that more was required, pointing toward the absence of a pre-tenancy inspection as being "determinative" and noting that a methamphetamine contamination cannot be accurately dated as it does not degrade over time. Brooking and Hodges v Imrie [2021] NZDC 16976. As the evidence supporting the landlord claim is also largely circumstantial, I must dismiss the claim for the same reasons.

8. Because Dickon Charles Coker has substantially succeeded with the claim I have reimbursed the filing fee.



J Maher
22 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.