[2025] NZTT 5229781

TENANCY TRIBUNAL AT WHANGAREI | TE TARAIPIUNARA RETIHANGA KI WHANGĀREI-TERENGA-PARĀOA

APPLICANT: Jasmine Karoria Brandt

Tenant

RESPONDENT: Fritz Scharnweber, Karla Pidgeon

Landlord

TENANCY ADDRESS: 118A Lost Bush Track, Hikurangi, Whangarei 0181

ORDER

1. The application is struck out.

Reasons:

1. Ms Brandt filed this application on 21 April 2025.
2. The application raised issues relating to the landlord's termination notice, and to interference with peace comfort and privacy / harassment.
3. The application was scheduled for a hearing on 4 July 2025.
4. Ms Brandt sought an adjournment of that hearing on the grounds that she may reach an out-of-court agreement with the landlord. The adjournment was granted. The application was re-scheduled for a hearing on 20 August 2025.
5. On the evening of 19 August, Ms Brandt sought an adjournment. The adjournment was granted. The application was re-scheduled for a hearing on 24 September 2025.
6. On 24 September, 30 minutes before the scheduled start time of the hearing, Ms Brandt sent an email to the Tribunal stated that she was unable to proceed. Ms Brandt sought a further adjournment but also stated "if I have to come back and re-lodge my complaint I will do so".

7. Ms Brandt's adjournment requests make it clear that she is not in a position to proceed with this claim, and she is unlikely to be ready in the near future.
8. The request for a further adjournment is not granted.
9. The Tenancy Tribunal may make an order striking out a claim "if it is satisfied that it is likely to cause prejudice or delay".[1]
10. This application has already been scheduled for three two-hour hearings, which did not proceed.
11. In the circumstances it is appropriate to strike out the application.
12. Because the issues in the application have not been determined, Ms Brandt may re-file the application at a later date. However, any future application will not be accepted for filing unless:
    a. Ms Brandt files all relevant supporting evidence at the time of making the application; and
    b. Ms Brandt is willing and able to participate in Tenancy Tribunal hearings.

N Blake
24 September 2025

[1] Section 92A(b) Residential Tenancies Act 1986

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.