[2025] NZTT 5324419

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Progressive Realty Limited As Agent For Dan Lowe As Trustee For The Lowe Family Trust Landlord
RESPONDENT:	Zaine Falwasser Tenant
TENANCY ADDRESS:	Room 2, Unit/Flat 50, 31 Poulson Street, Addington, Christchurch 8024

ORDER

1. Zaine Falwasser must pay Progressive Realty Limited As Agent For Dan Lowe As Trustee For The Lowe Family Trust $548.00 immediately, being rent arrears to 25 September 2025.

Description	**Landlord**	**Tenant**
Rent arrears (to 25 September 2025)	$520.00	
Filing fee reimbursement	$28.00	
Total award	**$548.00**	
Total payable by Tenant to Landlord	**$548.00**	

Reasons:

1. The hearing proceeded by way of telephone conference. Mr May and Ms van den Berg, Property Managers, appeared for the landlord. Unsuccessful attempts were made to join the tenant to the hearing by telephone. The Tribunal was satisfied that the tenant was properly served with the notice of hearing and the case proceeded in their absence.

2. The tenancy commenced on 15 May 2025 with the fixed term due to end on 16 November 2025.

3. On 12 August 2025, the landlord applied for rent arrears and reimbursement of the filing fee.

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 provisions of the Residential Tenancies Act 1986 (the "Act").

How much rent is owed?

5. The landlord provided up to date rent records which prove the amount owing at the date of hearing totalled $520.00. The amount claimed is ordered.

6. The Tribunal reminds the tenant that tenants are required to pay rent as and when it falls due in accordance with the tenancy agreement and section 40(1)(a) of the Residential Tenancies Act 1986. Failure to do so could result in a breach notice being issued and a further application to the Tribunal being made.

Costs

7. Because Progressive Realty Limited As Agent For Dan Lowe As Trustee For The Lowe Family Trust has wholly succeeded with the claim I must reimburse the filing fee.

M Feist
25 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.