[2025] NZTT 5340495

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT:	[The applicant/s] Landlord
RESPONDENT:	Trent John Birch Tenant
TENANCY ADDRESS:	Room 8, 211 Symonds Street, Eden Terrace, Auckland 1010

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 landlord/s] is granted possession of the premises at Room 8, 211 Symonds Street, Eden Terrace, Auckland 1010 immediately.
3. Trent John Birch must pay [The landlord/s] $862.28 immediately, being rent arrears to 2 September 2025 of $834.28 and reimbursement of the filing fee of $28.00.
4. [The landlord/s] must take any of the tenant's personal documents that have been left at the premises to the nearest Police station and obtain a receipt for them.
5. The landlord may dispose of the other goods left at the premises by the tenant as the landlord sees fit.

Reasons:

1. The landlord attended the hearing by telephone.
2. The tenant was telephoned but did not answer.
3. The landlord has applied for possession of the premises following the termination of the tenancy.

4. The tenancy ended on 2 September 2025 pursuant to a notice to terminate issued by the landlord under section 66X Residential Tenancies Act 1986 (RTA) which is less than 90 days ago. The requirements of section 64(1) RTA are satisfied.
5. The landlord has applied for rent arrears and has provided rent records which prove the amount owing.
6. The landlord has applied for the disposal of goods the tenant left at the premises at the end of the tenancy.
7. The landlord is been unable to contact the tenant and arrange for him to collect his possessions.
8. It is not practicable for the landlord to the return the goods to the tenant. The value of the goods is below the cost of storing, transporting and selling them. Therefore the landlord may dispose of the goods. See sections 62(3)(b), 62B(2) and (3) RTA.
9. Because [The applicant/s] has wholly succeeded with the claim I must reimburse the filing fee.

G Baker
10 October 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.