[2025] NZTT 5337820

TENANCY TRIBUNAL AT [Event location suppressed]

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: [The respondent/s]

Tenant

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. The Tribunal orders suppression of the names and identifying details.
2. The claim for termination is dismissed.
3. The hearing is adjourned to allow the landlord to amend the application and add claims.
4. The claim for water rates and for damage and for exemplary damages is adjourned.
5. Further hearing time should be allowed.
6. [The tenant/s] owes the landlord $1,799.43 which will be paid from the bond, as set out in the table:

Description	**Landlord**	**Tenant**
Rent arears from 28 August - 8 September 2025	$1,371.43	
Rubbish removal: removing pots and debris	$400.00	
Filing fee reimbursement	$28.00	
Total award	**$1,799.43**	
Bond	$1,799.43	$1,400.57

7. The Bond Centre is to pay the bond of $3,200.00 ([Bond number suppressed]) immediately to the landlord and HOLD the rest of the bond apportioned as follows:

[The landlord/s]:	$1,799.43
[The tenant/s]:	$1,400.57

Reasons:

1. The landlords attended the hearing. The tenant did not answer the calls to his phone.
2. The landlords have applied for possession of the premises and termination of the tenancy. I find the landlords took possession on 9 September 2025 when the landlords went to the house and changed the locks. The landlords removed plant pots and plant stems from the premises the same day. I understand this was done at the request of the police and so I accept the landlords were not able to follow the usual process of applying to the Tribunal and waiting for an order granting possession.
3. There is a claim for rent arrears. The landlords submitted it was only fair I should allow arrears to the date of the hearing. However, because they have taken possession, I can only allow rent arrears to that date.
4. The landlords submitted that the tenants should pay rent until the house is fixed and can be rented again. Lost rent is a claim the landlords can make but I could not decide that today. This is because lost rent is sometimes covered by insurance, and I did not have any information from the insurer.
5. We discussed the claim for water and the landlords want this to be adjourned so they can provide further evidence about water use. I note the landlord will need to provide copies of all the water bills from during the tenancy.
6. There is a large claim for damage. The problem for the landlords is they do not know what repairs the insurer will pay for. This means they do not yet know what they will want to claim from the tenant. This should become clearer once the insurer makes a decision.
7. The landlords should then make a list of all their claims and let Tenancy Services know when they are ready for the second hearing to take place.
8. The parties will be notified in writing by Tenancy Services of the date and time of the next hearing.

Other orders

9. Because the landlords have substantially succeeded with the claim I have reimbursed the filing fee.

10. The landlords have been told the next hearing might be an in person hearing at a court, depending on their amended claim. If that is the case then another Adjudicator will hear that part of the application.
11. The balance of the Bond will be held until the rest of the claims are heard and orders made.
12. I have sent a request to the Bond Centre to arrange the payment of the bond to the landlords.
13. The landlords have made an application for suppression. Suppression is allowed for both parties and the address until a final decision about suppression is made. See section 95A Residential Tenancies Act 1986.

K Koller
23 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.