**TENANCY TRIBUNAL AT [Event location suppressed]**

APPLICANT: [The applicant/s]

Tenant

RESPONDENT: [The respondent/s]

Landlord

TENANCY ADDRESS: [Tenancy address suppressed]

## ORDER

1. The application for rehearing is dismissed.

**Reasons:**

1. Both parties attended the hearing.
2. On 20 August 2025, I issued an order dismissing [The tenant/s] application. In it he sought exemplary damages for alleged discriminatory behaviour. The landlord had applied for termination, however that application was also dismissed.
3. [The tenant/s] has applied for a rehearing on the following grounds:
    a. That the decision did not consider the former upstairs tenants' alleged interference with his quiet enjoyment;
    b. That further quiet enjoyment issues had arisen with the new upstairs tenants since the hearing;
    c. That the landlord had failed to supply evidence (recordings and footage of discussions [The tenant/s] had with other tenants) to him;

d. That he was confronted with a large volume of evidence from the Landlord at the hearing which he found unsettling and affected his ability to present his case;

e. The landlord's application for termination was made only 13 days after the notice of breach was sent to him; and

f. He feels the decision is coloured in a way which shows that I did not fully consider the evidence his presented.

4. Rehearings are allowed under S105 RTA. The decision to allow a rehearing is at the discretion of the Tribunal. The reason for allowing a rehearing is that there is some reason why an injustice would occur were the original decision to stand. Disagreeing with substantive findings of the Tribunal is not a ground for rehearing. Paragraph 52. McMahon v Royal New Zealand Foundation for the Blind [2021] NZTT 4287050.

5. The landlord does not oppose the order.

**Discussion**

6. I will consider each of [The tenant/s] grounds in turn:

   a. While issues relating to quiet enjoyment were discussed during the hearing, [The tenant/s] application was for exemplary damages for discrimination. The Tribunal's jurisdiction is based on the matters put before it in the application. I did not consider quiet enjoyment as it was not part of the applications before me.

   b. As I explained to [The tenant/s] during the consideration hearing, the issues which have arisen since he made his application and after the hearing were not part of his application. They involve a new set of neighbours, and new potential breaches. If he wishes to pursue these matters he will need to file a new application.

   c. The landlord accepted that she had not forwarded the video and audio recordings discussed in the first hearing. However, these recordings were of incidents in which [The tenant/s] was involved and of which he had recorded himself. These recordings and videos and the many others provided by [The tenant/s] showed the interactions between him and the upstairs tenants. These events were background to but were not determinative of the matters before me which were the alleged cannabis use in the tenancy and the alleged discrimination. This ground for rehearing is not made out.

   d. As with the footage and recording at [6]c. above the evidence supplied by the landlord at the hearing was largely records of interactions and events which [The tenant/s] was involved in such as the meeting arranged with upstairs tenants and correspondence between the landlord and [The

tenant/s]. The volume was not unusually high. I did not consider that the risk of any prejudicial effect outweighed the delay which adjourning would have, nor did [The tenant/s] raise any issues at the time. I do not consider that this raises a procedural error which justifies a rehearing.

e. The timing of the landlord's notice was not relevant to my considerations as the factual basis for termination was not made out.

f. Following the hearing I watched the large number of videos provided by [The tenant/s]. While I did not refer to every piece of evidence the issues relevant to the application were considered. Those issues relating to [The tenant/s] allegations against the upstairs neighbours were largely outside of the application before me.

7. For these reasons I decline to order a rehearing and the application is dismissed.

C Boys
28 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.