[2025] NZTT 5285981

TENANCY TRIBUNAL AT PAPAKURA | TE TARAIPIUNARA RETIHANGA KI PAPAKURA

APPLICANT: [The applicant/s]

Tenant

RESPONDENT: Kāinga Ora–Homes And Communities

Landlord

TENANCY ADDRESS: 63 Friedlanders Road, Manurewa, Auckland 2102

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the tenant's name and identifying details.
2. Kāinga Ora–Homes And Communities must pay [The tenant/s] $877.00 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Power overpayment due to maintenance issue		$850.00
Filing fee reimbursement		$27.00
Total award		**$877.00**
Total payable by Landlord to Tenant		**$877.00**

Reasons:

1. Both parties attended the hearing on 7 October 2025. The tenancy began on 13 November 2024.
2. On 12 June 2025 the tenant applied for compensation of $3,000.00 for excessive power charges. The charges are believed to relate to a leak from the hot water cylinder at the property.

3. The tenant has provided a schedule of invoices from her power company and the actual invoices for the period from November 2024 to about April 2025. The tenant said she realised there was a problem when she received the first couple of power-bills. The tenant said she contacted the landlord about power issues in December 2024.

4. The landlord says they inspected the property on 13 November 2024 and there were no leaks. Further, they were first notified of the issue in February 2025. The leak from the hot water cylinder was repaired on 13 March 2025.

5. I consider that a leaking hot water cylinder is a plausible cause of excessively high power-bills. The tenant says she switched off nearly all electrical appliances and limited showers to one per day (in total) until the problem was fixed, and she was still getting high bills.

6. The invoices appear to cover different periods, from a few days to a month, and are difficult to compare. The details of the charges prior to 14 November 2024 have not been provided. The schedule from the power company is more helpful. It does seem to show a reduction in the daily power use and charges after 11 March 2025. The charges reduce from $140.00-$170.00 per week to $30.00-$90.00 per week.

7. Below is a tabulation of the charges as set out in the schedule (which was not compiled by calendar months):

Date range (2025)	**Days**	**Power cost**	**Av Daily cost**
20 January to 4 February	16	$310.08	$19.38
4 February to 4 March	29	$627.28	$21.63
4 March to 1 April	29	$298.22	$10.28
1 April to 29 April	28	$232.11	$8.29
29 April to 28 May	29	$276.73	$9.54
27 May to 24 June	28	$302.17	$10.79
24 June to 29 July	35	$386.40	$11.04

8. There may be some inaccuracies in my calculations, but in general the analysis supports the view that significantly less power was used after March 2025. I am satisfied that the maintenance issue was causing higher power-bills.

9. It is not necessary to find that the landlord is in breach of its maintenance obligation, rather I consider the issue is the extent to which the power charges were increased because of the leak from the hot water cylinder. This reflects the basic principle under section 39 of the Residential Tenancies Act 1986 that

tenants only pay for the power they use. The tenant was not voluntarily consuming power if usage was caused by a malfunctioning hot water cylinder.

10. The landlord said it was difficult to estimate the power account due to the limited number of invoices provided. The landlord also noted that the power provider had changed and some of the invoices might overlap. The landlord estimated monthly power bills for a household of one adult and six children to be approximately $300.00-$350.00 based on an average daily kWh and at a rate of 0.33 cents per kWh. The available information indicates that the tenant was paying somewhere in the region of $600.00 per month during the relevant period ($250.00 to $300.00 more than the average provided by the landlord).

11. It is appropriate to adopt a conservative approach to an award of compensation in this case. As already mentioned, the evidence is not as detailed as perhaps it could have been and does not cover the entire period of the tenancy. Reasonable compensation must make allowance for the need to make a rather summary assessment. I award the tenant compensation of $50.00 per week from the start of the tenancy to 11 March 2025 when charges reduced (17 weeks). This is an award of $850.00.

Filing Fee and Suppression

12. The tenant's application has been successful. The tenant is awarded the filing fee and is granted suppression as requested.

M Edison
30 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.