[2025] NZTT 5299283

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Barfoot & Thompson Limited as agent for Caitlyn Sloane and Aaron Yuill Landlord
RESPONDENT:	Edgar Overmeyer Tenant
TENANCY ADDRESS:	69B Victoria Avenue, Waiuku, Waiuku 2123

ORDER

1. Edgar Overmeyer must pay Barfoot & Thompson Limited as agent for Caitlyn Sloane and Aaron Yuill $1,781.44 immediately, calculated as shown in table below:

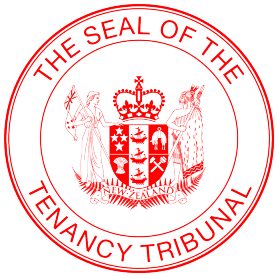
Description	**Landlord**	**Tenant**
Previous order application 5299283 dated 18/09/2025	$996.94	
Compensation for costs incurred for breaking fixed term tenancy	$756.50	
Filing fee reimbursement	$28.00	
Total award	**$1,781.44**	

2. The application for cleaning and rubbish removal costs is dismissed.

Reasons:

1. Ms Melville represented the landlord. The tenant did not attend the hearing. The hearing was scheduled as a video hearing. The tenant did not appear by video link, so I called the number provided for the tenant in the application. The call went to voice mail.

2. The landlord believes that the tenant might have left New Zealand.
3. On 18 September 2025, the Tribunal made an order for rent arrears and water rates and adjourned the balance of the application – cleaning costs, rubbish removal and ‘break lease’ costs.
4. The landlord has provided proof of the costs incurred in relation to the tenant vacating the fixed term tenancy before the term of the tenancy expires. The tenancy was fixed to 30 January 2026.
5. I award the costs sought as they are reasonable compensation for the landlord’s time and effort putting a new tenancy in place.
6. Due to staff changes the landlord has not been able to produce the evidence required to prove the claims for cleaning ($115.00) or for rubbish removal ($228.00). Those claims are dismissed.
7. As the application has been mostly successful, I order reimbursement of the filing fee the landlord paid.
8. This order replaces and incorporates the Tribunal’s order dated 18 September 2025.



J Greene
31 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.