TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Maximize Property Management Limited

Landlord

RESPONDENT: Todd Michael Adam Brooker

Tenant

TENANCY ADDRESS: Room Ground Floor, Unit/Flat 6, 1 Kaponga Crescent, New Lynn, Auckland 0600

ORDER

1. The tenancy of Todd Michael Adam Brooker at Room Ground Floor, Unit/Flat 6, 1 Kaponga Crescent, New Lynn, Auckland 0600 is **terminated**, and possession is granted to Maximize Property Management Limited, at 11.59pm on Sunday, 9 November 2025.
2. The Bond Centre is to pay the bond of $1,280.00 to Maximize Property Management Limited immediately.
3. Todd Michael Adam Brooker must pay Maximize Property Management Limited $3,228.00 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears together with rent owing in advance to 9 November 2025	$4,480.00	
Filing fee reimbursement	$28.00	
Total award	**$4,508.00**	
Bond	$1,280.00	
Total payable by Tenant to Landlord	**$3,228.00**	

Reasons:

1. Only the landlord attended the hearing, represented by Mr Li. He was assisted by an interpreter, Ms Harborne.
2. I am satisfied that the tenant has been served with the landlord's application in accordance with the provisions of the Residential Tenancies Act 1986 and so the hearing proceeded in the tenant's absence.
3. The landlord filed an application for expedited abandonment on 5 September 2025 but the grounds for an expedited abandonment were not proven and the matter was set down for hearing. In the meantime, on 11 September 2025, the landlord filed a further application for termination on the basis of abandonment. Both claims were scheduled for hearing before me on 21 October 2025.
4. At the hearing I was not satisfied that the landlord had proven that the property had been abandoned. The tenancy property remained full of the tenant's belongings and while the property was quite messy it was set up with a bed and other furniture and the sink was full of dishes.
5. The landlord sought an adjournment so that they could file further evidence and requested to amend their claim to seek termination on the basis of rent arrears.
6. An adjournment was granted and the Tribunal issued directions on 21 October 2025 noting that the landlord's application had been amended. A copy of those directions were sent to the tenant.

Should the tenancy be terminated?

7. The Tribunal may terminate a tenancy for breach where, due to the nature or extent of the breach, it would be inequitable to refuse to terminate. See section 56(1) Residential Tenancies Act 1986.
8. Where the breach is capable of remedy the landlord must first serve a notice on the tenant requiring them to remedy the breach within at least 14 days and establish that the tenant has failed to do so.
9. The tenant has breached their obligations by failing to pay rent. The landlord produced a rent summary showing that the rent is in arrears in the amount of $4,297.15 to today's date and owes an additional $182.85 being rent in advance owing to 9 November 2025 (total $4,480.00).
10. The landlord served a 14-day notice on the tenant on 20 October 2025 and the tenant did not remedy the breach within the required period. The notice recorded that this was the third notice issued.
11. It would be inequitable to refuse to terminate the tenancy because the rent arrears is over 21 days in arrears and is significantly over the amount of the bond held.

12. As the landlord's termination application on the basis of rent arrears is proven I do not need to consider the landlord's application made on the basis of abandonment.

Filing fee and name suppression

13. Because Maximize Property Management Limited has wholly succeeded with the claim I must reimburse the filing fee of $28.00.

14. The landlord did not seek an order for name suppression.

M Allan
05 November 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.