TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Barfoot & Thompson Limited As Agent For Meng Sung Landlord
RESPONDENT:	Anthony Callis Tenant
TENANCY ADDRESS:	1298 Alfriston Road, Alfriston, RD 1, Auckland 2576

ORDER

1. Both parties' applications are dismissed.
2. By way of declaration, the tenant's rent is paid to 20 November 2025 with a credit of $925.26.
3. The tenant should accordingly make a payment of $574.74 on Friday 21 November 2025 being the balance due for the rent week ending 27 November 2025.
4. The tenant should then make a payment of $1,500.00 on Friday 28 November and each Friday after that (subject to any future change in the rent payable).

Reasons:

5. Both parties attended the hearing which was held by teleconference.
6. The parties have been able to agree on the rent payment position due to a difficult start to the tenancy, which was meant to start in late June 2022.

Background

7. The core facts are not in dispute and are:
    a. the parties signed a tenancy agreement dated 8 June 2022;

b. the start date for the tenancy was to be 24 June 2022;

c. because the tenant's move to the property involved transfer of steak and equipment, that transfer started between the date the agreement was signed and the tenancy start date, with the landlord's approval;

d. before the tenancy start date there was a serious burglary at the property affecting both the landlord and the tenant. The effects of the burglary required significand repair and building work and the premises could not be moved into;

e. the tenant had given notice and had to leave his previous property, so needed to move in to these premises on 29 July 2022. The building/ repair work hadn't been finished and the premises were not fully ready.

f. as compensation, the owner instructed the property manager that first two weeks' and then another week's rent credit should be given to the tenant.

8. The tenant says that the original agreement was that he have 2 weeks to move into the property, before the tenancy started. He says that although the agreed 3 week rent credit recognises that the property was not in suitable condition when he moved in, it does not fully recognise that he lost the chance to move in before start of the tenancy.

9. That expectation is not recorded in the tenancy agreement and the property manager who the tenant says he arranged it with, did not attend the hearing.

10. The dispute is over 1 week's rent and is about unclear events that occurred in 2022. Sensibly, the aprties have agreed to resolve the dispute by "splitting the difference" and allowing 3 ½ weeks rent credit to compensate the tenant.

11. The resulting calculations are:

    a. Rent payable from 29 July 2022 to 20 November 2025 @ $1500.00 per week = $259,500.00;

    b. Less: 3 ½ weeks rent credit - $5,250.00;

    c. Less: rent paid between 10 June 2022 and 31 January 2023 - $39,175.26 per landlord's previous ledger records

    d. Less: rent paid between 3 February 2025 and today per landlord's current ledger records - $216,000.00.

12. As at the end of the current rent week to Thursday 20 November 2025 the position is therefore $259,500.00 - $5,250.00 - $39,175.26 - $216,000.00 = $925.26.

13. The rent is paid to 20 November 2025 with a credit of $925.26 toward the rent payment due on 21 November 2024.

14. The parties should adjust their records accordingly.

B King
14 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.