[2025] NZTT 5371026

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Kāinga Ora–Homes and Communities Landlord
RESPONDENT:	Chontelle Louise Foster Tenant
TENANCY ADDRESS:	31 Sefton Crescent, Chartwell, Hamilton 3210

ORDER

1. Chontelle Louise Foster owes Kāinga Ora–Homes and Communities $4,550.00 (“the debt”) for rent arrears to 8 December 2025.
2. Chontelle Louise Foster must pay rent and the debt as follows:
    a. By 182 weekly payments of $265.00, being $240.00 for rent and $25.00 for the debt.
    b. A final payment of $240.00, being $240.00 for rent and $0.00 for the debt.
    c. Payments will be every Thursday, with the first payment on 11/12/2025 and continuing until 07/06/2029.
3. Payments will be allocated in the following order: rent and the debt.
4. The weekly payment of $25.00 towards the debt must continue regardless of any changes to the weekly rent.
5. If the tenant fails to pay rent and the debt within 5 working days of the due dates:
    a. The tenancy at 31 Sefton Crescent, Chartwell, Hamilton 3210 will terminate and the landlord will have immediate possession of the premises.
    b. The balance of the debt will be payable immediately.

Reasons:

1. The landlord attended the hearing. The tenant did not attend and did not respond despite being telephoned on the numbers ending in 674 and 889.
2. The landlord has applied for termination of the tenancy and rent arrears. The landlord wants to allow the tenant an opportunity to repay the debt to avoid immediate termination.

Should a conditional termination order be made?

3. Where rent is at least 21 days in arrears on the date the application was filed, the Tribunal must make either a final or a conditional termination order. See section 55(1)(a) and (1A) Residential Tenancies Act 1986 (RTA).
4. The landlord provided rent records that prove the amount owing of $4,550.00 through to 8 December 2025.
5. I am satisfied the tenant will pay the debt within the period specified in the order and is unlikely to commit any further relevant breach. I have granted a conditional termination order.
6. The conditional termination order will lapse if it is fully complied with. If the tenant breaches the order, the possession order may be enforced for 90 days from the first breach. See section 64(4)(b) RTA.

R Harvey-Lane
02 December 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.