[2025] NZTT 5186561, 5041709

5051213

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: Gabriel Muller

Tenant

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. The tenant's application for rehearing (5186561) is dismissed.

Reasons:

1. Both parties appeared at the rehearing consideration hearing, which was held by phone.

   Background

2. This was a long-standing tenancy that began on 16 September 2015. The tenancy ended following an interim Tribunal order for termination dated 13 November 2024, following the landlords' application in TT 5051213. The Tribunal granted possession to the landlords on 20 November 2024.

3. At that stage the tenant's claim (TT 5041709) was adjourned for further hearing and the Tribunal made directions allowing the parties to amend their claims. The landlords then filed a new claim (TT 5186561).

4. The landlords' claim (TT 5186561) was filed only shortly before the further allocated hearing, and so in the interests of procedural fairness and to allow the tenant sufficient time to respond, the landlords' claim was adjourned for further hearing and the tenant's claim was heard on its own.

5. The tenant's claims were dismissed by order dated 4 April 2025. The tenant applied for a rehearing of that order on 12 April 2025 but the tenant's rehearing application was dismissed by order dated 19 June 2025 (following a rehearing consideration hearing held that day).

6. The landlords' claims for rent arrears and rubbish removal were then heard on 7 August 2025 and on that date the Tribunal made orders as follows:

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the Landlords' names and identifying details in all orders made to date in the following matters NZTT 5041709, 5051213 and 5186561.
2. The Bond Centre is to pay the bond of $1,275.00 ([Bond number suppressed]) to [The landlord/s] immediately.
3. Gabriel Muller must pay [The landlord/s] $2,134.74 immediately, calculated as shown in table below.

Description	Landlord	Tenant
Rent arrears to 28 November 2024	$2,237.15	
Rubbish removal and disposal	$1,172.59	
Total award	**$3,409.74**	
Bond	$1,275.00	
Total payable by Tenant to Landlords	**$2,134.74**	

The tenant's rehearing application

7. On 14 August 2025 the tenant applied for a rehearing of the Tribunal Order dated 7 August 2025 on the grounds that:
   a. The Tribunal found that the tenant was liable for rent – therefore tenant protections must apply;
   b. The Tribunal failed to apply RTA sections 62B to disposal of goods;
   c. The Tribunal gave unequal weight to statements;
   d. The Tribunal failed to engage with live arguments and evidence; and
   e. Tribunal failed to consider actual loss to landlord.

8. Section 105(1) Residential Tenancies Act 1986 provides that the Tribunal has the power to order a rehearing where "a substantial wrong or miscarriage of justice has or may have occurred or is likely to occur".

9. Usually the party applying for the rehearing must show that something went wrong with the Tribunal's procedure, for example, that they did not receive notice of the hearing or they were not able to properly present their case. A rehearing may also be granted where there is new evidence that was not reasonably available at the first hearing, if it could have affected the outcome.

10. The District Court has held that if the Tribunal was simply wrong in its findings of fact, or its application of the law, this is not sufficient to establish a miscarriage of justice: a rehearing is not an alternative to an appeal.

Furthermore, a rehearing will not be granted just because a party is unhappy with the decision, or to give them a second opportunity to present their case[1].

Has a substantial wrong or miscarriage of justice occurred?

11. I have carefully considered the tenant's written submissions and the submissions made by the tenant and the landlords at the rehearing consideration hearing.
12. The landlords' claim was a fairly straight-forward claim for rent arrears and rubbish removal. Both parties were given ample opportunity to present evidence and make submissions at the hearing.
13. The Tribunal found that the tenant was liable for rent up to the end of the tenancy (based on the evidence submitted by the tenant) and for rubbish removal charges.
14. The tenant has not identified any issue with the Tribunal's procedure. All of the grounds advanced are, in essence, that the Tribunal was wrong in its findings of fact or its application of the law.
15. I note, in addition, that the tenant has also raised issues that were determined in the tenant's claim. The tenant's claim has been heard and determined. The tenant did not appeal that decision. The tenant's application for a rehearing of that claim was dismissed.
16. The tenant cannot now use the rehearing procedure in an attempt to relitigate his claim.
17. The tenant has not proved that there are grounds for a rehearing and accordingly the tenant's application is dismissed.

M Allan
19 December 2025

[1] *Wellington City Council v McMillan [2003] DCR 50*

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.