[2025] NZTT 5377581

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: Levi Atutolu

Tenant

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the Landlord name and identifying details.
2. The tenancy of Levi Atutolu at [Tenancy address suppressed] is terminated, and possession is granted to [The landlord/s], at 11.59 pm today, Monday 22 December 2025.
3. Levi Atutolu must pay [The landlord/s] $6,245.14 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears to 22.12.2025	$6,217.14	
Filing fee reimbursement	$28.00	
Total award	**$6,245.14**	
Total payable by Tenant to Landlord	**$6,245.14**	

Reasons:

1. The landlord attended the hearing by telephone. The Tribunal called the tenant on the cell phone number provided for them in the application but the calls diverted to voicemail. I am satisfied that the tenant received notice of the hearing and did not attend.

2. The parties signed a fixed term tenancy agreement starting on 20 October 2025 and to end on 25 October 2026. The tenant signed the agreement on 14 October 2025.
3. On 24 October, the tenant messaged the landlord simply advising; “I won’t be taking the house now.” The landlord has tried texting, calling and emailing the tenant to find out why they did not wish to continue with the tenancy. They also served a 14 day rent arrears notice. The tenant has not responded and has not paid any rent.
4. The tenancy agreement signed by the tenant for a fixed term is a binding agreement, for which the tenant is still liable to pay rent.
5. The landlord has applied for termination of the tenancy and rent arrears.
6. Rent was at least 21 days in arrears on the date the application was filed. The tenancy is terminated. See section 55(1)(a) Residential Tenancies Act 1986.
7. The landlord provided rent records which prove the amount owing at the end of the tenancy.

K Stirling
22 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.