[2025] NZTT 5369224

TENANCY TRIBUNAL AT

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: [The respondent/s]

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 parties names and identifying details.
2. [The tenant/s] owes [The landlord/s] $0.00 (“the debt”), as calculated in the table below:
3. [The tenant/s] must pay rent and the debt as follows:
    a. By weekly payments for rent and an additional amount of $0.00 for the debt.
    b. Payments will be every Tuesday, with the first payment on 23/12/2025 and continuing until the debt is paid in full.
4. Payments will be allocated in the following order: rent, rent arrears, water rates, electricity and the filing fee.
5. If the tenant fails to pay rent and rent arrears within 2 working days of the due dates:
    a. The tenancy at [Tenancy address suppressed] will terminate and the landlord will have immediate possession of the premises.
    b. The balance of the debt will be payable immediately.

6. If the tenant fails to pay the water rates, electricity and filing fee within 2 working days of the due date, the water rates, electricity and filing fee will be payable immediately.

Reasons:

1. The landlord attended the hearing by video call.
2. The tenant was telephoned on the phone number provided but the phone call went unanswered.
3. The landlord understands the tenant may currently be in custody and he has advised her he is in Mount Eden Prison. He has also said he will be released before Christmas. The tenant was served by post to the tenancy address, by post to Mount Eden prison and by email to the prison email address. I am satisfied the tenant was properly served with notice of the hearing and the tenant has not applied to attend the hearing by phone or AVL. The hearing proceeded in his absence. This Order will be also emailed and posted to the prison.
4. The landlord has applied for
    a. termination of the tenancy,
    b. rent arrears,
    c. water rates,
    d. electricity,
    e. reimbursement of the filing fee,
    f. name suppression.

Should a conditional termination order be made?

5. 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.[1]
6. The landlord assumes the tenant wants to repay the debt to avoid immediate termination.
7. The tenant appears to have arranged for his partner to pay rent and rent arrears until he is released. I understand the tenant's partner resides in the property also. The landlord supports the making of a conditional termination order.

[1] See section 55(1)(a) and (1A) Residential Tenancies Act 1986.

8. 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.

9. 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.[2]

Rent arrears

10. The tenant must pay the rent as and when it is due and payable under the tenancy agreement.[3] The landlord provided rent records which prove the amount owing as at the hearing date.

Water rates and electricity

11. The tenant is responsible for water consumption charges and electricity.[4] The landlord provided water rates invoices and electricity invoices which prove the amount owing.

Filing fee

12. Because the landlord has wholly succeeded with the claim I must reimburse the filing fee.

Suppression

13. Section 95A of the RTA relates to suppression orders. The relevant provisions state:

    (1) The Tribunal must, on the application of a party that has wholly or substantially succeeded in proceedings, order that the party's name or identifying particulars not be published, unless the Tribunal considers that publication is in the public interest or is justified because of the party's conduct or any other circumstances of the case….

    …(4) The Tribunal may, on the application of any party to proceedings or on its own initiative, having regard to the interests of the parties and to the public interest, order that all or part of the evidence given or the name or any identifying particulars of any witness or party not be published.

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[2] See section 64(4)(b) Residential Tenancies Act 1986.
[3] See section 40 (1)(a) of the RTA.
[4] See section 39 RTA.

(5) An order under subsection (4) may be made subject to any conditions that the Tribunal considers appropriate.

14. The landlord sought suppression and as the application is successful, I have made an order accordingly.

15. On my own initiative and with the agreement of the landlord, I have suppressed the tenant's name. There is little public interest in publication of his name and there is sensitive information in this decision for which it is in his interests for him to have name suppression.

N Bradley
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.