[2025] NZTT 5382011

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Kāinga Ora–Homes And Communities 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 tenant name and identifying details.
2. The tenancy of [The tenant/s] at [Tenancy address suppressed] is terminated, and possession is granted to Kāinga Ora–Homes And Communities, **at 11:59pm Friday 9 January 2026**.

Reasons:

1. The landlord attended the hearing via remote teleconference. There was no attendance by the tenant. A telephone call to the number provided with the application went unanswered to voicemail.
2. The landlord has applied for termination of the tenancy for breach of the tenant's obligations.

Should the tenancy be terminated?

3. The Tribunal may terminate a tenancy for breach where, due to the nature or extent of the breach, it would be inequitable to refuse to terminate. See section 56(1) Residential Tenancies Act 1986.

4. Where the breach is capable of remedy the landlord must first serve a notice on the tenant requiring them to remedy the breach within at least 14 days and establish that the tenant has failed to do so.

5. The tenant has breached his obligations by living in conditions which can only be described as squalid. The landlord provided comprehensive photographic evidence of the inside of the premises. Every room in the house is covered in rubbish and old food. The landlord's concern is that of an imminent fire risk due to the tenant using the oven as a heater coupled with the risks from cigarette ashes inside the house.

6. The landlord has exhausted all options to assist the tenant. They have undertaken numerous visits to the property which have largely been unsuccessful due to the aggressive and abusive behaviour of the tenant.

7. The photographs clearly confirm that the current state of the premises is a clear and present danger to not only the tenant but also those living next to him.

8. The landlord served a 14-day notice on the tenant on 4 September 2025, and the tenant did not remedy the breach within the required period.

9. It would be inequitable to refuse to terminate the tenancy due to the significant health and safety risks to the tenant and his neighbours coupled with the imminent fire risk. The premises in their current condition are not fit for human habitation.

10. The claim is established.

11. The landlord also seeks name suppression for the tenant.

12. Having heard from the landlord in respect of the tenant's personal circumstances I am satisfied that publication of the tenant's name is not in the public interest.

13. Accordingly, the request for name suppression for the tenant is granted.

M Manhire
24 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.