TENANCY TRIBUNAL AT PAPAKURA | TE TARAIPIUNARA RETIHANGA KI PAPAKURA

APPLICANT:	Barfoot & Thompson Limited As The Agent For Ian & Leigh Bailey Landlord
RESPONDENT:	Logomai Toafia, Repeka Toafia Tenant
TENANCY ADDRESS:	55 Foxlaw Street, Randwick Park, Auckland 2105

ORDER

1. Logomai Toafia and Repeka Toafia must pay Barfoot & Thompson Limited as the Agent for Ian & Leigh Bailey $2,973.90 immediately, calculated as shown in the table below.
2. The Bond Centre is to pay the bond of $1,890.00 (5666819-005) to Barfoot & Thompson Limited as the Agent for Ian & Leigh Bailey immediately.

Description	**Landlord**	**Tenant**
Rent to 30 June 2025	$482.14	
Water, cleaning, rubbish, repairs, filing fee, etc	$4,381.76	
Total award	**$4,863.90**	
Bond	$1,890.00	
Total payable by Tenant to Landlord	**$2,973.90**	

Reasons:

1. The landlord attended the hearing today.
2. The landlord has applied for rent arrears, outgoings, compensation, refund of the bond, and reimbursement of the filing fee following the end of the tenancy.

Rent and Water

3. The tenancy ended on 20 June 2025 pursuant to the landlord's notice of termination. The landlord provided rent and water records which prove the amount owing at the end of the tenancy.

Cleaning and Rubbish

4. At the end of the tenancy the tenant must leave the premises reasonably clean and tidy, remove all rubbish, return all keys and security devices, and leave all chattels provided for their benefit.
5. The tenant did not leave the premises reasonably clean and tidy and did not remove all rubbish. The landlord's exit inspection photographs show walls and surfaces in need of a wipe down, fly spots around light fittings, and items of furniture ($1,035.00).
6. The landlord had to remove a large amount of green waste at the end of the tenancy, as well as a large pile of dirt and numerous wooden palings ($1,249.25).

Damage

7. A landlord must prove that damage to the premises occurred during the tenancy and is more than fair wear and tear. If this is established, to avoid liability, the tenant must prove they did not carelessly or intentionally cause or permit the damage. Tenants are liable for the actions of people at the premises with their permission.
8. Where the damage is caused carelessly, and is covered by the landlord's insurance, the tenant's liability is limited to the lesser of the insurance excess or four weeks' rent.
9. Where the damage is careless and is not covered by the landlord's insurance, the tenant's liability is limited to four weeks' rent.
10. Tenants are liable for the cost of repairing damage that is intentional or which results from any activity at the premises that is an imprisonable offence. This applies to anything the tenant does and anything done by a person they are responsible for.
11. There were holes in the walls of the premises. A quotation for $402.50 has been obtained. This is less than the insurance excess. The front gate had been bitten repeatedly by the tenant's dog and stopped working. Insurers paid for replacement ($7,116.20) less the insurance excess of $1,150.00 which Is

awarded. The damage is more than fair wear and tear, and the tenant has not disproved liability for the damage.

Filing Fee

12. The landlord's application has succeeded. I award the filing fee ($28.00).

13. The tenant was ordered to pay the filing fee of $27.00 for a previous Tribunal application (No. 5131749) pursuant to a mediated order dated 25 February 2025. The landlord requested that this fee be included in this order.

M Edison
05 February 2026

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.