[2026] NZTT 5428369

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Co-Lab Pm Limited T/A Ray White Gisborne as Agent for Anne Kolbe Landlord
RESPONDENT:	Katie Nunn, Maia Maxwell, Wiremu Broad, Whakaarahia Broad Tenant
TENANCY ADDRESS:	168 Ballance Street, Whataupoko, Gisborne 4010

ORDER

1. The tenancy of Katie Nunn, Maia Maxwell, Wiremu Broad and Whakaarahia Broad at 168 Ballance Street, Whataupoko, Gisborne 4010 is terminated, and possession is granted to Co-Lab Pm Limited T/A Ray White Gisborne as Agent for Anne Kolbe, on **Sunday 15 February 2026**
2. The Bond Centre is to pay the bond of $3,800.00 (BN-00048778) to Co-Lab Pm Limited T/A Ray White Gisborne as Agent for Anne Kolbe immediately.
3. Katie Nunn, Maia Maxwell, Wiremu Broad and Whakaarahia Broad must pay Co-Lab Pm Limited T/A Ray White Gisborne as Agent for Anne Kolbe $4,249.43 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears to 15 February 2026	$8,021.43	
Filing fee reimbursement	$28.00	
Total award	**$8,049.43**	
Bond	$3,800.00	
Total payable by Tenant to Landlord	**$4,249.43**	

Reasons:

1. The hearing was conducted by video. Mrs Kolbe and Mr Harrison appeared for the landlord. The tenant did not appear.
2. The tenancy commenced on 15 February 2025 for a fixed term ending 15 February 2026.
3. On 22 January 2026, the landlord filed a claim seeking:
    i. Termination of the tenancy for rent arrears of more than 21 days; and
    ii. Termination for abandonment on or about 19 January 2026.
4. The landlord has produced an up-to-date rent summary which they state records all of the rent payments received.

Law

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. See section 55(1)(a) and (1A) Residential Tenancies Act 1986 (Act).
6. The Tribunal may terminate the tenancy where the premises have been abandoned and rent is in arrears at the hearing date. See section 61 of the Act.
7. A tenancy is abandoned where the tenant leaves the premises without reasonable excuse, not intending to return or to meet their obligations, and fails to notify the landlord.
8. To establish that a property has been abandoned involves an objective assessment. The Tribunal must evaluate the evidence available, and in particular inspection reports and photographs and any relevant evidence from neighbours or other witnesses.

Analysis and decision

9. Mr Harrison states that an inspection was conducted on 19 January 2026, which indicated that the tenant's had likely vacated the property. However, the inspection report has not been provided with the application. Mr Harrison stated that an inspection report could be provided if required. No enquiries were made with the neighbours. The application was filed on 22 January 2026, there has been sufficient time to file all relevant evidence prior to the hearing. In the absence of adequate supporting evidence, I am not satisfied that the property was abandoned.
10. The rent summary shows that at the time of filing the application the rent was at least 21 days in arrears. On that basis the tenancy is terminated and possession granted to the landlord.
11. I determine the termination date to be 15 February 2026, being the date that the fixed term ended, and the landlord took possession of the property.

Costs

12. Because Co-Lab Pm Limited T/A Ray White Gisborne as Agent for Anne Kolbe has substantially succeeded with the claim I have reimbursed the filing fee.

Name suppression

13. Although they are entitled to name suppression, the landlord does not seek it, and no orders are made.

G Barnett
26 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.