[2026] NZTT 5418062

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Barfoot & Thompson Limited

Landlord

RESPONDENT: Joseph Liki

Tenant

TENANCY ADDRESS: 27 Pecan Place, Avondale, Auckland 0600

ORDER

1. Joseph Liki must pay Barfoot & Thompson Limited $28.00 immediately, being the application filing fee
2. No other orders are made at this time.

Reasons:

1. Both parties attended the hearing.
2. The landlord had applied for termination of the tenancy for breach of the tenant's obligations, rent arrears and the bond.

Should the tenancy be terminated?

3. The landlord has applied for termination of the tenancy for breach of the tenant's obligations, rent arrears and refund of the bond.
4. Where a landlord applies to terminate for breach, and rent is at least 21 days in arrears on the hearing date, the Tribunal must terminate the tenancy. See sections 55 and 56(2) Residential Tenancies Act 1986 ("RTA").
5. Rent was paid in full just prior to the hearing. That leaves the grounds for termination per s 56 RTA, rather than the blunter provisions of s 55(1).
6. 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) RTA.
7. 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.
8. The tenant had breached their obligations by not paying rent or rent arrears.
9. The landlord served a 14-day notice on the tenant on 11 December 2025 and the tenant did not remedy the breach within the required period. Rent arrears increased dramatically.
10. The tenant explained a series of unfortunate personal events late in 2025 that led to the rent arrears. To clear the substantial debt now has required considerable effort and recourse to a KiwiSaver withdrawal on hardship grounds. But for the clearing of all rent arrears, it would be inequitable to refuse to terminate the tenancy.
11. Given the clearing of all rent arrears and the personal circumstances of the tenant in December 2025, as well as considering the previous good rent payment history, I decline to terminate this tenancy today.
12. The rightful concerns of the owner regarding large rent arrears were acknowledged and a healthy discussion ensued regarding the mutual benefit of timely communication with the landlord if financial pressures occur that will impact on rent being paid as due.
13. I believe the seriousness of the application is understood by the tenants and further repeats are unlikely.

Filing fee

14. Because Barfoot & Thompson Limited was wholly justified with lodging the claim I reimburse their filing fee.

M Brennan
09 March 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.

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.