[2026] NZTT 5408168

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	The Agency Real Estate 2026 Limited T/A Bronwyn Kay Agency T Landlord
RESPONDENT:	Shane Harnett, Sheree Cockbain Tenant
TENANCY ADDRESS:	293 Ormond Road, Mangapapa, Gisborne 4010

ORDER

1. This order incorporates the Tribunal order made on 17 November 2025 under application 5361282.
2. Shane Harnett and Sheree Cockbain must pay The Agency Real Estate 2026 Limited T/A Bronwyn Kay Agency T $2,820.06 immediately, being rent arrears to 1 December 2025.

Description	**Landlord**	**Tenant**
Rent arrears (to 1 December 2025)	$861.43	
Previous order application 5361282 dated 17/11/2025	$1,930.63	
Filing fee reimbursement	$28.00	
Total award	**$2,820.06**	
Total payable by Tenant to Landlord	**$2,820.06**	

Reasons:

1. On 8 December 2025 the landlord filed an application seeing rent arrears and reimbursement of the filing fee following the end of the tenancy.

2. The hearing proceeded by way of video conference. Ms Te Rongopatai, Property Manager, appeared for the landlord. Mr Harnett appeared for both tenants.

Relevant legal considerations

3. The relevant law that applies is found in the Residential Tenancies Act 1986 (the "Act").
4. With any claim before the Tenancy Tribunal, the Tribunal applies the usual civil law standards and expectations.
5. That includes a requirement that the party bringing the claim (the applicant), establish their claims "on the balance of probabilities." The balance of probabilities means more likely than unlikely, or in mathematical terms, has a fractionally more than 50% likelihood. The Tribunal does not need to be certain or very sure about any claim, only that what is claimed is likely.
6. This obligation carried by the applicant is referred to as the "burden of proof." Independent witnesses, corroborating documents and photographs are an important part of discharging this burden.
7. As noted by the District Court in Kaipo v Clarke & McCarthy (DC) TT233/02, in practical terms this means that:

> … [L]ike anyone who brings an application before a Tribunal or Court, it is incumbent upon the applicant to provide the evidence necessary to prove the case. If the applicant fails to do that, then their application will be dismissed whether it has merit or not because it is up to the applicant to provide the necessary evidence. It is not up to the other parties, and it is certainly not up to the Tribunal to extract evidence.

History of the tenancy

8. The tenancy commenced on 18 December 2024.
9. On 17 November 2025 the Tribunal made the following orders[1]:
    a. The tenancy was terminated and possession granted to the landlord at 6pm on 1 December 2025.
    b. The Bond Centre to pay the bond of $2,600.00 to the landlord immediately.
    c. The tenants to pay the landlord $1,930.63 immediately calculated as:

Rent arrears to 17/11/2025	$4,502.63
Filing fee reimbursement	$ 28.00

[1] *Bronwyn Kay Agency Limited As Agent For Peter Clark v Sheree Cockbain, Shane Harnett* [2025] NZTT 5361282

Total award	$4,530.63
Less refund of bond	$2,600.00
Total payable by tenant to landlord	$1,930.63

10. On 28 November 2025 the Bond Centre refunded the bond in full to the landlord.
11. At the end of the tenancy the tenant's rent arrears totalled $2,924.06.
12. On 17 March 2026 the tenant paid $160.00 towards their rent arrears.

How much is owed in rent arrears

13. The landlord has applied for rent arrears and has provided up to date rent records that prove the amount owing to the date of hearing totals $2,764.06.
14. The Tribunal has previously made an order for rent arrears to 17 November 2025 totalling $4,530.63. The Tribunal ordered the bond be refunded to the landlord to offset the rent debt. This reduced the rent debt to $1,930.63. The landlord seeks an order for rent arrears at the date of hearing totalling $2,764.06, however $1,902.63 has already been awarded under order 5361282. The difference between the amount previously ordered and the amount claimed is $861.43 and that is what is ordered.

Other matters

15. On 17 November 2025, the Tribunal made an order relating to this tenancy for rent arrears to 17 November 2025. The previous order is incorporated into this order for enforcement purposes.
16. Because The Agency Real Estate 2026 Limited T/A Bronwyn Kay Agency T has wholly succeeded with the claim I must reimburse the filing fee.
17. Despite being wholly successful the landlord did not seek name suppression.
18. The tenant sought name suppression but has not been successful and name suppression is declined.

THE SEAL OF THE TENANCY TRIBUNAL

M Feist
18 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.

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.