[2026] NZTT 5428162

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Barfoot & Thompson Limited

Landlord

RESPONDENT: Ray-Lee Marsh

Tenant

TENANCY ADDRESS: 154A Lincoln Road, Henderson, Auckland 0610

ORDER

1. This order incorporates the Tribunal order made on 14 January 2026 under application 5395653. I record that this prior Order incorrected stated the water rates arrears date as 14 January 2026 when the amount ordered should have been recorded as being to 30 December 2025.
2. The tenancy of Ray-Lee Marsh at 154A Lincoln Road, Henderson, Auckland 0610 is terminated, and possession is granted to Barfoot & Thompson Limited, at 5:00pm on Thursday 26 March 2026.
3. The Bond Centre is to pay the bond of $1,395.00 (BN-16976577) to Barfoot & Thompson Limited immediately.
4. Ray-Lee Marsh must pay Barfoot & Thompson Limited $2,895.42 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears to 30 March 2026	$2,370.00	
Previous order application 5395653 dated 14/01/2026	$1,609.99	
Water rates: From 31 December 2025 to 25 February 2026	$282.43	
Filing fee reimbursement	$28.00	
Total award	**$4,290.42**	
Bond	$1,395.00	
Total payable by Tenant to Landlord	**$2,895.42**	

Reasons:

1. The landlord attended the hearing. The tenant did not.
2. I am satisfied that the tenant had received proper notice of the hearing time, date and place and chose not to attend.
3. On 14 January 2026, the Tribunal made an order relating to this tenancy under application 5395653, for rent arrears of $1,485.00, water rates of $271.64 and the filing fee of $28.00 The previous order is incorporated into this order for enforcement purposes. The amount still owing from this order is $1,609.99.
4. The landlord has applied for termination of the tenancy, rent and water rates arrears, refund of the bond and reimbursement of the filing fee.

Should the tenancy be terminated?

5. Section 55(1)(a) of the RTA states that the Tribunal must terminate a tenancy, and grant possession back to the landlord, where a landlord has applied for termination of the tenancy because the tenant is 21 days or more in rent arrears at the date the landlord made its application.
6. The landlord has provided rent records that prove the rent was in arrears by more than 21 days at the date the applicant made its 20 January 2026 application to the Tribunal.
7. The tenancy of Ray-Lee Marsh at 154A Lincoln Road, Henderson, Auckland 0610 is terminated, and possession is granted to Barfoot & Thompson Limited, at 5:00pm on Thursday 26 March 2026.
8. The tenancy will end on Monday 30 March 2026 because the landlord cannot, pursuant to section 138(1)(a) of the District Court Act 2016, enforce the eviction order for 48 hours, and is unlikely to be able to take possession of the premise until the morning of Monday 30 March 2026. This gives the tenant time to move any belongings out of the premise that she wants to retain, to clean it and return the keys to the Barfoot and Thompson offices on Monday morning at 9am. Failure to have complied with this eviction order by Monday morning is likely to result in the landlord seeking an eviction warrant and a bailiff to enforce this Order.

How much is owed for rent and water rates?

9. The tenancy will end on 30 March 2026. The landlord provided rent records which prove the amount owing at the end of the tenancy
10. The landlord also provided water rates invoices which prove the amount owing from 31 December 2025 to 25 February 2026. A further final water rates invoice

will be sent to the tenant after the end of the tenancy to cover the remaining period of consumption.

11. I note that NZTT 5395653 incorrectly states that the $271.64 water rates arrears awarded is to 14 January 2026 (the hearing date). The landlord has provided evidence at todays' hearing that this amount covers the period to 30 December 2025.

Reimbursement of filing fee

12. Section 102(4) of the RTA confirms that applicants that are wholly or substantially successful in proving their claims will have their filing fee reimbursed.

13. Because the landlord has wholly succeeded with its claims, I must reimburse the filing fee.

M Pollak
26 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.