[2026] NZTT 5435028

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Barfoot & Thompson Limited As The Agent For Amogh Khadye Landlord
RESPONDENT:	John Tepania Tenant
TENANCY ADDRESS:	24 Sunset Road, Unsworth Heights, Auckland 0632

ORDER

1. The tenancy of John Tepania at 24 Sunset Road, Unsworth Heights, Auckland 0632 is terminated, and possession is granted to Barfoot & Thompson Limited As The Agent For Amogh Khadye, at midnight on 13 April 2026.
2. The Bond Centre is to pay the bond of $2,800.00 (BN-00139974) to Barfoot & Thompson Limited As The Agent For Amogh Khadye immediately.
3. John Tepania must pay Barfoot & Thompson Limited As The Agent For Amogh Khadye $3,361.51 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears (to 7 April 2026)	$5,900.00	
Water rates	$233.51	
Filing fee reimbursement	$28.00	
Total award	**$6,161.51**	
Bond	$2,800.00	
Total payable by Tenant to Landlord	**$3,361.51**	

Reasons:

1. On 29 January 2026, the landlord filed an application seeking termination of the tenancy, outstanding water rates, refund of the bond and reimbursement of the filing fee.
2. The hearing proceeded by way of video conference. Ms Ly Hoang, Property Manager, appeared for the landlord. The tenant was joined to the hearing by telephone.

Background of the tenancy

3. The tenancy commenced on 19 August 2025 with the fixed term due to expire on 24 august 2026.

Should the tenancy be terminated?

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.
5. Rent is at least 21 days in arrears at the hearing date. The tenancy is terminated.

When should possession be granted to the landlord

6. The landlord told the Tribunal their finances have been negatively impacted by the tenants failure to pay rent and they seek possession of the property as quickly as possible to stop further rent debt accruing.
7. The tenant told the Tribunal that rent arrears started to accrue after their flatmate stopped paying rent and then left the property without notice. The tenant asked for at least two weeks to secure alternative accommodation, move his possessions into storage, and vacate the premises.
8. Having heard from the parties the Tribunal has determined that it is appropriate to grant the landlord possession of the property at midnight on Monday 13 April 2026. This will provide the tenant with an opportunity to remove his possession and return the property to the landlord in a reasonably clean and tidy condition without significantly increasing the rent debt.

How much does the tenant owe?

9. The landlord provided rent records which prove the amount owing at the date of hearing totalled $5,900.00.
10. The tenant took no issue with the amount claimed.

11. The amount claimed is ordered.

How much is owed in water rates?

12. The landlord seeks water rates totalling $233.51 for the following period:

    a. 20/02/2026 – 20/03/2026 $5.42

    b. 19/12/2025 – 23/01/2026 $38.04

    c. 22/11/2025 – 19/12/2025 $70.59

    d. 21/10/2025 – 22/11/2025 $119.46

13. Tenant invoices and water bills were provided to prove the amount claimed.

14. The tenant took no issue with the amount claimed and said that he has struggled to meet the cost of his rent and outgoings.

15. The amount claimed is ordered.

Other matters

16. Because Barfoot & Thompson Limited As The Agent For Amogh Khadye has wholly succeeded with the claim I must reimburse the filing fee.

17. Despite being wholly successful the landlord did not seek name suppression.

M Feist
07 April 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.