[2026] NZTT 5437234

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: East Coast Realty Ltd T/A Harcourts Gisborne As Agent For Jock Bain

Landlord

RESPONDENT: Nicola Ratana

Tenant

TENANCY ADDRESS: 30 Cavendish Crescent, Outer Kaiti, Gisborne 4010

ORDER

1. Nicola Ratana owes East Coast Realty Ltd T/A Harcourts Gisborne As Agent For Jock Bain $2,343.00 (“the debt”), as in the table below.

Description	**Landlord**	**Tenant**
Rent arrears to 01/05/2026	$2,315.00	
Filing fee reimbursement	$28.00	
Total payable by Tenant to Landlord	**$2,343.00**	

2. Nicola Ratana must pay rent and the debt as follows:
   a. By 19 weekly payments of **$500.00**, being $380.00 for rent and $120.00 for the debt.
   b. A final payment of $443.00, being $380.00 for rent and $63.00 for the debt.
   c. Payments will be **every Friday**, with the first payment on **01/05/2026** and continuing until 11/09/2026.
3. Payments will be allocated in the following order: rent, rent arrears, and the filing fee.
4. <u>If the tenant fails to pay rent and rent arrears within 1 working day of the due dates:</u>

a. The tenancy at 30 Cavendish Crescent, Outer Kaiti, Gisborne 4010 will **terminate** and the landlord will have **immediate possession** of the premises.

b. The balance of the debt will be payable immediately.

5. If the tenant fails to pay the filing fee within 1 working days of the due date, the filing fee will be payable immediately.

Reasons:

1. The landlord attended the hearing by video conference today. The tenant did not attend.
2. The Tribunal may continue a hearing even if the respondent is not present. The tenant has been emailed notice of the hearing date and time and instructions for how to attend the video hearing to her address for service. She has also been sent email and text reminders.
3. I telephoned the tenant on her mobile phone at the time of the hearing. The phone went to voicemail.
4. I continued with the hearing.

Should a conditional termination order be made?

5. The landlord has made an application to terminate the tenancy and for payment of rent arrears.
6. Where rent is at least 21 days in arrears on the date the application was filed, the law says the Tribunal must make either a final or a conditional termination order. See section 55(1)(a) and (1A) Residential Tenancies Act 1986.
7. The rent was at least 21 days in arrears when the landlord applied and is still about 39 days' behind today. The rent ledger proves the amount owing is $2,152.14.
8. The tenant did not come to the hearing so I would not usually make a conditional order. A conditional order allows the tenant one last chance to stick to a repayment plan to avoid the tenancy ending.
9. The landlord's representative said the tenant did make a promise to pay $500.00 per week to repay the debt. The rent ledger shows the tenant has made some extra payments but has not stuck to them.
10. The landlord is willing to give the tenant one final chance to try to do this and save the tenancy. I agree to make a conditional termination order on this basis.

Payments of rent and debt must be made every Friday

11. I have ordered that payments of $500.00 must be made every Friday starting 1 May 2026. This is $380.00 for rent and $120.00 towards the debt.
12. If any rent and debt payment is more than <u>one</u> working day late, the landlord will have the right to immediate termination of the tenancy and possession of the premises. No further order or Tribunal application will be needed.
13. If the tenant breaches the order, the possession order may be enforced for 90 days from the first breach. See section 64(4)(b) Residential Tenancies Act 1986.
14. If all payments are made and the debt is fully repaid, the conditional termination order will lapse.
15. The landlord's claim is successful so I must also award the filing fee.
16. No suppression orders were sought or apply.

N Maplesden
28 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.