[2026] NZTT 5455218

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Kāinga Ora–Homes And Communities Landlord
RESPONDENT:	Crystal Angel Tupou Tenant
TENANCY ADDRESS:	16 Harrington Avenue, Pukekohe, Pukekohe 2120

ORDER

1. The application is dismissed.

Reasons:

1. The landlord attended the hearing by video conference. The tenant did not appear. The notice of hearing was sent on 5 March 2026 and reminders by text on 30 April and 4 May 2026.The landlord updated the Tribunal with the tenant's current contact telephone details. I find that the tenant was notified, and the hearing continued in their absence.
2. The applicant is required to establish the claim to the civil law standard of proof, on the balance of probabilities.
3. The applicant claimed the tenant had failed to comply with a 14 day notice and breached the terms of their tenancy agreement by failing to occupy the premises. The landlord is a social housing provider, and it is specified in the tenancy agreement clause 13 and 15 that the tenant must live at the premises at all times and must let the landlord know if they are going to be away form the home for more than 30 days.

4. The landlord issued a 14 day notice on 16 December 2025 to return to the premises and live there by 2 January 2026.The notice included notification of a visit to be held on 12 January and asked that the tenant be home.

5. In support of that claim, the landlord provided a copy of the 14 day notice and one inspection of inside the premises dated 3 February 2026.This showed some furniture, household items, bedding and clothes, and one empty bedroom.

6. The first visit on 15 December 2025 and subsequent visits on 12 January 2026 and 4 May 2026 were of the outside of the premises only. The property was still overgrown, the letter box overflowing and exterior unkept. It was confirmed that at each visit the tenant was not present.

7. The landlord provided a copy of a text exchange from 14 January where the tenant said that they had not been at the property but were intending to return and a text dated 30 January where the tenant confirmed that she hoped to be back in the premises by the end of February.

8. There was no further evidence provided of phone calls, texts or any other attempts to contact the tenant from that date.

9. The landlord could not explain why there were no further inspections of the inside of the premises after the initial 3 February 2026 inspection. The landlord's property managers had visited the premise the day before the hearing.

10. Although the tenant has stated that they had not been at the premises, they have twice indicated an intention to return, and a follow up inspection would confirm if the tenant had returned since that date.

11. The Tribunal does not have enough evidence establishing that this has not occurred, and the applicant has not satisfied me that it is more likely than not that the tenant has breached the 14 day notice issued on 16 December 2025.

12. The application is dismissed.

THE SEAL OF THE TENANCY TRIBUNAL

T Harris
05 May 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.