[2026] NZTT 5425288

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: Lana Maree Elliott, Jamel Tattersall

Tenant

TENANCY ADDRESS: 160 Princes Street West, Pukekohe, Pukekohe 2120

ORDER

1. The tenancy of Lana Maree Elliott and Jamel Tattersall at 160 Princes Street West, Pukekohe, Pukekohe 2120 is terminated, and possession is granted to [The applicant/s]at **11.59pm on Friday, 8 May 2026**.

2. Lana Maree Elliott and Jamel Tattersall must pay [The applicant/s] $13,296.57 immediately, calculated as shown in the table below:

Description	**Landlord**	**Tenant**
Rent arrears to 5 May 2025 (reduced by four weeks due to landlord's failure to mitigate loss) together with 3 days owing in advance to 8 May 2026	$16,148.57	
Filing fee reimbursement	$28.00	
Total award	**$16,176.57**	
Bond (not lodged and to be retained by landlord)	$2,880.00	
Total payable by Tenant to Landlord	**$13,296.57**	

Reasons:

1. Only the landlord attended the hearing, represented by [Property Manager] of Auckland Property Management. [Property Manager] advised that Auckland Property Management were acting as agent for the landlord for the purposes of

filing the Tribunal application and the hearing today, but confirmed that his order should be made in the name of the landlord as stated on the tenancy agreement. He could only advise the name of one of the trustees, Satnam Singh, and so I have recorded his name as trustee for enforcement purposes.

2. There was no appearance by the tenants. I am satisfied that the tenants have been served with the landlord's application in accordance with the provisions of the Residential Tenancies Act 1986 (RTA) and so the hearing proceed in the tenants' absence.

3. The landlord has applied for termination of the tenancy and rent arrears.

4. The background to this tenancy is somewhat murky. This tenancy agreement (and rent summary) record that the tenancy began on 22 October 2025 but I was advised that the tenancy began approximately four weeks earlier. [Property Manager] advised that there had been an agreement between the landlord and tenants that no rent would be charged for this initial period due to various issues that occurred, so that the tenancy officially began, and rent was payable from, 22 October 2025. The landlord produced a tenancy agreement dated 13 November 2025, which was signed on this date.

5. I am advised that the tenants paid a bond of four weeks (not lodged) and two weeks rent in advance, but have not paid rent since. The rent summary records the current arrears, from 22 October 2025, to be $18,720.

Should the tenancy be terminated?

6. Rent was at least 21 days in arrears on the date the application was filed. Rent is now 182 days in arrears. The tenancy is terminated. See section 55(1)(a) Residential Tenancies Act 1986.

How much do the tenants owe?

7. The landlord provided rent records which prove the amount owing at the end of the tenancy.

8. However when considering claims for rent arrears I must consider whether the landlord has taken steps to mitigate their loss.

9. Section 49 of the RTA provides that:

> Where any party to a tenancy agreement breaches any of the provisions of the agreement or of this Act, the other party shall take all reasonable steps to limit the damage or loss arising from that breach, in accordance with the rules of law relating to mitigation of loss or damage upon breach of contract.

10. This means that a landlord cannot simply sit back and let arrears accrue but must take active steps to reduce their loss. Where the landlord fails to take timely steps, the Tribunal may reduce the rent arrears claimed[1].

11. Landlords are entitled to an order terminating the tenancy when rent is 21 days (three weeks) in arrears. In this case the landlord did not apply to the Tribunal for an order terminating the tenancy until the rent was in arrears by $7,200 (ten weeks).

12. There may be some circumstances where a landlord might delay filing a Tribunal application for terminating where rent is in arrears, for example if they are in discussions with the tenant about the reason for the arrears and expect a lump sum payment or where the tenant is making part payments.

13. In this case however the tenant paid not rent at all apart from the initial two weeks paid in advance.

14. I consider that the landlord should have applied to the Tribunal four weeks earlier than they did, at the very latest. For that reason I have reduced the rent arrears awarded by four weeks.

15. The amount awarded is the amount claimed, less four weeks rent, together with three additional days owing to the date of termination.

Bond

16. I was advised that a bond was paid but was not lodged (as it should have been) and so have included the bond amount to be retained by the landlord in the order above, which reduces the amount owing.

Filing fee

17. Because [The applicant/s] has substantially succeeded with the claim I have reimbursed the filing fee.

18. The landlord also sought an order for name suppression and is entitled to an order as the substantially successful party.

M Allan
05 May 2026

[1] See for example *Huang v Ashworth [2024] NZDC 15726*, *Dunn and Dunn v Beedie and Beedie CIV-2014-088-000349 27 November 2014* and *Kainga Ora – Homes and Communities v Allale [2021] NZTT Wellington 4291614*

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.