[2026] NZTT 9079384

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Body Corporate 88633 Body Corporate
RESPONDENT:	Apple Ayas Limited Owner
UNIT ADDRESS:	Unit/Flat Units C & D, 32B Ballarat Street, Ellerslie, Auckland 1051

ORDER

1. Apple Ayas Limited must pay Body Corporate 88633 $6,947.89 immediately, calculated as follows:

Descriptions	Applicant	Respondent
Costs: Body Corporate debt collection costs	$2,185.00	
Costs: S.124 Solicitor's costs	$3,658.50	
Interest: to 23 February 2026	$270.89	
Costs: Solicitor's appearance fee	$333.50	
Filing Fee	$500.00	
Total award	**$6,947.89**	
Total payable by Respondent to Applicant	**$6,947.89**	

Reasons:

1. Both parties attended the remote hearing.
2. The owner is the owner of the two units referred to above.
3. The body corporate has applied for recovery of interest, costs and the filing fee from the unit owner.

Does the Unit Owner owe the levies claimed?

4. A unit owner must pay all body corporate levies and outgoings payable for the unit. See sections 80(1)(f) and 121(1) Unit Titles Act 2010.
5. The body corporate has determined the levies payable and unit owner's share has been calculated according to their utility interest.
6. The body corporate fixed the due date for the levies to be paid (9 September 2025), and the unit owner did not pay the levies by that date. See section 124(1) Unit Titles Act 2010. The owner paid the levies in full on 23 February 2026.

Is the Unit owner liable for interest?

7. If a unit owner fails to pay levies by the due date, interest accrues on the unpaid balance. A body corporate may charge interest up to 10% per annum. See section 128 Unit Titles Act 2010.
8. The body corporate has resolved to charge interest at 10% per annum on unpaid levies. The Body Corporate has proved the amount of interest owing from the due date to the date the levies were paid by the owner.

Is the Unit owner liable for costs?

9. Pursuant to section 124 UTA, and as resolved at meetings of the Body Corporate, the Body Corporate is entitled to recover any reasonable costs incurred by it in collecting unpaid levies as a debt due by the owner to the Body Corporate. In accordance with the judgments (of the District Court and Court of Appeal respectively) in *Body Corporate 162791* v *Cheah* DC Auckland, CIV2014-004-0120, 24 June 2014 and *Body Corporate 162791* v *Gilbert* [2015] NZCA 185, the Tribunal must order that the reasonable costs incurred by the Body Corporate in recovering the levies, objectively assessed, be paid by a defaulting unit owner. I am satisfied that the costs ordered above are reasonable.
10. The owner said that she had not received seen the correspondence from the Solicitors for the body corporate as it had gone to her email address junk mail. The obligation on the body corporate is to forward correspondence to the email address

for the owner registered with the body corporate. I am satisfied that this occurred. The failure to look at the correspondence does not limit liability for the owner.

11. As the body corporate has succeeded with the claim, I have ordered the owner to reimburse the filing fee. Section 176(1) Unit Titles Act 2010 and section 102(4) Residential Tenancies Act 1986.

S Young
16 June 2026

Please read carefully:

SHOULD YOU REQUIRE ANY HELP OR INFORMATION REGARDING THIS MATTER PLEASE CONTACT **UNIT TITLE SERVICES 0800 864 884**.

MEHEMA HE PĀTAI TĀU E PĀ ANA KI TENEI TAKE, PĀTAI ATU KI TE TARI **UNIT TITLE SERVICES 0800 864 884**.

AFAI E TE MANA'OMIA SE FESOASOANI E UIGA I LENEI MATAUPU FA'AMOLEMOLE IA FA'AFESO'OTAI'I LOA LE OFISA O LE **UNIT TITLE SERVICES 0800 864 884**.

Rehearings:

You may make an application to the Tenancy Tribunal for a rehearing. Such an application must be made within five working days of the order and must be lodged at the Court where the dispute was heard.

The ***only*** ground for a rehearing of an application is that a substantial wrong or miscarriage of justice has or may have occurred or is likely to occur. Being unhappy or dissatisfied with the decision is not a ground for a rehearing. (See 'Right of Appeal' below).

Right of Appeal:

If you are dissatisfied with the decision of the Tenancy Tribunal, you may appeal to the District Court. You only have 10 working days after the date of the decision to lodge a notice of appeal.

However, you may **not** appeal to the District Court:

1. Against an interim order made by the Tribunal.
2. Against an order, or the failure to make an order, for the payment of money where the amount that would be in dispute on appeal is less than $1,000.
3. Against a work order, or the failure to make a work order, where the value of the work that would be in dispute on appeal is less than $1,000.

There is a $200.00 filing fee payable at the time of filing the appeal.

Enforcement:

Where the Tribunal made an order that needs to be enforced then the party seeking enforcement should contact the Collections Office of the District Court on **0800 233 222** or go to www.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.