[2026] NZTT 9074224

TENANCY TRIBUNAL AT AUCKLAND | TE TARAIPIUNARA RETIHANGA KI TĀMAKI MAKAURAU

APPLICANT:	Body Corporate 490569 Body Corporate
RESPONDENT:	5Sth Nz Limited Owner
UNIT ADDRESS:	Unit/Flat 010, 103 Symonds Street, Grafton, Auckland 1010, Summit on Symonds

ORDER

1. The owner's application seeks a determination on the application of insurance monies exceeding $50,000.00 which is outside both the Tribunal's and District Court's jurisdiction (see s171 and 172 Unit Titles act 2010).
2. It is not appropriate to split the claim, and therefore all claims should be transferred to the High Court to determine.
3. The Registry is to make the Tribunal's file available to the High Court.

Reasons

1. On the 23 February 2026 I conducted a case conference on these applications and made orders requiring the parties to submit further particulars about their claims.
2. On the 27 March 2026 the owner filed submissions which set out the determinations that they wanted the Tribunal to make. This included at clause 7 a determination on the application of insurance monies for the remedial works.
3. The owner confirmed at the hearing today that it was challenging the way the insurance monies were applied.

4. Sections 171-173 Unit Titles Act 2010 sets out the which Tribunal or Court has jurisdiction to hear certain cases. The Tribunal has no jurisdiction to make any determination about the application of insurance monies (see s171(4)(b) UTA) and the District Court only has jurisdiction to hear claims on the application of insurance monies of less than $50,000.00
5. The owner challenges the application of insurance proceeds totalling more than $4 million. Therefore, that claim must be heard by the High Court.
6. I am satisfied that all claims should be heard by the High Court

T Prowse
18 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.