**[2026] NZTT 5428688**

**TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA**

APPLICANT: Kāinga Ora–Homes And Communities

Landlord

RESPONDENT: Manual Chas Jr Haami

Tenant

TENANCY ADDRESS: 48A Lithgow Street, Glengarry, Invercargill 9810

## ORDER

1. Manual Chas Jr Haami owes Kāinga Ora–Homes And Communities $1,388.00 ("the debt") as calculated it the table below:

| **Description** | **Landlord** | **Tenant** |
|---|---|---|
| Rent arrears (to 25 June 2026) | $1,388.00 | |
| **Total award** | **$1,388.00** | |
| **Total payable by Tenant to Landlord** | **$1,388.00** | |

2. Manual Chas Jr Haami must pay rent and the debt as follows:
    a. By 34 weekly payments of $208.00, being $168.00 for current rent and $40.00 for the debt.
    b. A final payment of $196.00, being $168.00 for rent and $28.00 for the debt.
    c. Payments will be every Thursday, with the first payment on 2 July 2026 and continuing until the debt is paid in full.
3. Payments will be allocated in the following order: rent then rent arrears.
4. If the tenant fails to pay rent and rent arrears within five working days of the due dates:

a. The tenancy at 48A Lithgow Street, Glengarry, Invercargill 9810 will terminate and the landlord will have immediate possession of the premises.

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

5. When the debt has been paid in full the conditional termination order will lapse.

**Reasons:**

1. On 21 January 2026 the landlord filed an application seeking rent arrears.
2. On 16 April 2025 the Tribunal amended the landlord's claim to include:
   a. Termination of the tenancy for rent arrears; and, in the alternate
   b. A conditional termination order.

   The hearing was adjourned. The tenant had not been fully informed to the landlord's additional claims and had not been afforded the opportunity to prepare to answer these claims.
3. The hearing proceeded by way of video conference. Ms Roberta Perese, Senior Tribunal Adviser, appeared for the landlord. The tenant did not appear. The Tribunal was satisfied the tenant was properly served with the notice of hearing and the case proceeded in their absence.

*Should a conditional termination order be made?*

4. At the hearing, the landlord told the Tribunal they did not seek immediate termination of the tenancy. The landlord asked for a conditional termination order. The landlord wants the rent and rent arrears paid and asked the Tribunal to formalise the rent debt repayment plan previously agreed between the parties.
5. Where rent is at least 21 days in arrears on the date the application was filed, the Tribunal must make either a final or a conditional termination order. See section 55(1)(a) and (1A) Residential Tenancies Act 1986.
6. The landlord has proved up to date rent records that prove the amount owed. The tenant was at least 21 days in rent arrears at the date the application was filed.
7. There is sufficient evidence to order termination of the tenancy for rent arrears. However, I have been persuaded by the landlord's evidence the tenant will pay the debt within the period specified in the order and is unlikely to commit any further relevant breach. This is because the tenant has been paying their rent and an additional $40.00 per week to clear the arrears since 5 March 2026. The rent records show rent debt has reduced from its height of $3,152.00 on 5 March 2026 to $1,388.00 on the date of hearing. On that basis I have granted a conditional termination order.

8. The tenancy is to continue on the condition that the tenant complies with the agreed repayment plan in addition to meeting all ongoing rent obligations as they fall due. The conditional termination order will lapse if it is fully complied with. 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.

9. The landlord did not seek reimbursement of the filing fee.

M Feist
25 June 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.

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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.