[2026] NZTT 5535200

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT: Barfoot & Thompson Limited as Agent for Donny Wong

Landlord

RESPONDENT: Jonathan Andrew Horne

Tenant

TENANCY ADDRESS: 35 Rogan Street, Mount Roskill, Auckland 1041

ORDER

1. The tenancy of Jonathan Andrew Horne at 35 Rogan Street, Mount Roskill, Auckland 1041 is terminated, and possession is granted to Barfoot & Thompson Limited as Agent for Donny Wong, at 10am on Friday 24 July 2026.
2. The Bond Centre is to pay $1,300 from the bond of $2,600.00 (BN-00147079) to Barfoot & Thompson Limited as Agent for Donny Wong immediately. The balance of the bond is to remain at the Bond Centre pending further order of the Tribunal.
3. Jonathan Andrew Horne must pay Barfoot & Thompson Limited as Agent for Donny Wong $1,723.58 immediately, calculated as shown in the table below.
4. This possession order may be enforced immediately.
5. Enforcement of the money order is stayed until 28 August 2026 or until further order of the Tribunal.
6. The Tribunal will decide who receives the balance of the bond under the application made by the former joint tenant to be heard on 28 August 2026.

Description	**Landlord**	**Tenant**
Rent arrears to 24 July 2026	$2,925.00	
Water rates	$70.58	
Filing fee reimbursement	$28.00	

Total award	**$3,023.58**
Less part bond	$1,300.00
Total payable by Tenant to Landlord	**$1,723.58**

Reasons:

1. Only the landlords' representatives attended the hearing today which was conducted remotely.
2. The landlord has applied for termination of the tenancy for rent arrears and claims the arrears and payment of the bond.

Background

3. The tenancy began in September 2025 at which time there were two joint tenants including Mr Horne.
4. On 30 April 2026 the other joint tenant was released from the tenancy with the agreement of the then three parties. The landlord produced evidence of Mr Horne's agreement to the release. At that time rent was not in arrears.
5. At that time, Mr Horne said that he would pay the other tenant's half share of the bond to her leaving the full amount of the full bond to cover any ensuing liability. The landlord is not aware if that has occurred.
6. The other tenant has made an application to the Tribunal seeking payment of her half share of the bond and that has been scheduled for hearing on 28 August 2026.

Decision

7. Where a landlord applies to terminate for rent arrears, and rent is at least 21 days in arrears on the hearing date, the Tribunal must terminate the tenancy.
8. Rent is at least 21 days in arrears today and therefore the tenancy is terminated, and possession is given to the landlord.
9. The tenant has stopped paying rent and it is unclear whether he is living in the premises. Others are living there. The landlord has been unable to contact the tenant. I have therefore directed that the possession order may be enforced immediately.
10. The landlord provided a rent statement and invoices which prove the amounts of rent arrears and water charges owing to today.
11. The landlord has succeeded and so I have awarded the filing fee.

12. In normal circumstances I would have ordered the bond to be paid to the landlords in full. The view I take is that the bond is paid jointly by the tenants, and it should be available to the landlord to meet any liability due under the tenancy. Issues as to who paid the bond are between the tenants and the Tribunal should not be involved with them.

13. Plainly the other tenant wants to dispute that, and because she has not received notice of this application and she has made her own application, she is entitled to be heard on the issue for reasons of natural justice.

14. I have therefore ordered half the bond to be paid to the landlord and the Tribunal will decide what happens to the remaining half at the hearing of the other tenant's application.

15. This order gives Mr Horne credit for only half the bond and if the other half is paid to the landlords that will reduce his liability by that amount. In the meantime I have stayed enforcement of the money order.

R Armstrong
24 July 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.