[2026] NZTT 5553656

TENANCY TRIBUNAL AT REMOTE LOCATION

APPLICANT:	Barfoot & Thompson Limited As Agent For Robinson, Cyrus (Janice Robinson Family Trust) Landlord
RESPONDENT:	Javier Hernandez Tenant
TENANCY ADDRESS:	Unit/Flat C314, 176 Broadway, Newmarket, Auckland 1023, Queen's Lodge C Units

ORDER

1. The tenancy of Javier Hernandez at Unit/Flat C314, 176 Broadway, Newmarket, Auckland 1023, Queen's Lodge C Units is terminated, and possession is granted to Barfoot & Thompson Limited As Agent For Robinson, Cyrus (Janice Robinson Family Trust), immediately.

Reasons:

1. The landlord has applied for termination of the tenancy for abandonment through the expedited process under section 91AA Residential Tenancies Act 1986.

Are there grounds for an expedited application?

2. I am satisfied that the two requirements for the expedited process are met:
    a. The tenant does not want to contest the abandonment application.
    b. The information provided by the landlord with the application is sufficient to enable the Tribunal to determine it properly without a hearing (either on the basis of that information alone or with only minor clarifications).

Should the tenancy be terminated?

3. The Tribunal may terminate the tenancy where the premises have been abandoned and rent is in arrears at the hearing date. See section 61 Residential Tenancies Act 1986. A tenancy is abandoned where the tenant leaves the premises without reasonable excuse, not intending to return or to meet their obligations, and fails to notify the landlord.

4. On 27 July 2026, the landlord became aware (or ought to have been aware) that the tenant had abandoned the premises. The landlord found a full set of keys in their lockbox. They inspected the premises that day and found it empty (photographs provided). The landlord has made attempts to contact the tenant without success.

5. The landlord provided rent records which show that rent is in arrears and was last paid on 17 July 2026.

6. Because the premises have been abandoned, and rent is in arrears, I am terminating the tenancy immediately. All the requirements for an expedited abandonment application have been met.

A Macpherson
10 August 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.