[2026] NZTT 5532753

TENANCY TRIBUNAL AT REMOTE LOCATION | TE TARAIPIUNARA RETIHANGA

APPLICANT:	Barfoot & Thompson Limited As Agent For Stephen Murray And Emma Corbett Landlord
RESPONDENT:	Samantha Hill, Isaac Paul Tenants
TENANCY ADDRESS:	54 Blue Heron Rise, Stanmore Bay, Whangaparaoa 0932

ORDER

1. The application for rehearing is dismissed.
2. The stay of proceedings granted on 24 August 2026 is discharged.
3. The Tribunal's order dated 7 August 2026 remains in force and may be enforced according to its terms.

Reasons:

1. The hearing was held by video conference.
2. Ms Willis and Mr McCall appeared for the landlord by video conference.
3. Ms Hill attended by teleconference. Mr Paul did not attend.
4. I asked Ms Hill whether I should contact Mr Paul. Ms Hill said that was not necessary and that she was managing the matter for the tenants. There was no indication Mr Paul was going to attend the hearing, and Ms Hill did not provide another number for me to call. The hearing therefore proceeded in Mr Paul's absence.

Background

5. The landlord's application was originally scheduled to be heard on 14 August 2026.
6. On 4 August 2026, the tenants applied for an adjournment. The reason given was that they needed to attend a family tangi in the Cook Islands on the same date as the hearing.
7. The Tribunal asked whether there were airline tickets or travel documents to support the adjournment application. No such documents were provided.
8. Because of the level of rent arrears and because the Tribunal had capacity to hear the matter earlier, the hearing was brought forward to 7 August 2026 at 3.30 pm.
9. On 7 August 2026, Ms Hill appeared by telephone. Mr Paul did not attend. The landlord sought termination of the tenancy, rent arrears, and payment of the unpaid bond.
10. After hearing the submissions from both parties, I granted a conditional termination order. The tenants were ordered to pay $6,798, comprising rent arrears of $2,670, general bond of $3,600, pet bond of $500, and the filing fee of $28.
11. The conditional termination order required the tenants to pay weekly rent of $900 from 8 August 2026, the unpaid bond of $4,100 by 23 August 2026, and the rent arrears by instalments. The order stated that if the tenants failed to pay the current rent and the debt within two working days of the due dates, the tenancy would terminate and the landlord would have immediate possession.
12. On 21 August 2026, Ms Hill applied for a rehearing. She said she had not had sufficient time to prepare for the 7 August 2026 hearing after the adjournment application (to attend a family tangi in the Cook Islands) was declined and the hearing was brought forward. She also said she had been seeking WINZ assistance for the bond.
13. On 24 August 2026, I directed that the rehearing application be set down for a hearing before me. I also granted a stay of proceedings. The stay was conditional on the tenants continuing to pay weekly rent and the remaining payments required under the order.
14. The purpose of today's hearing before me was to decide whether the rehearing application should be granted. If it were granted, the substantive application would be reheard by another adjudicator

The law

15. Section 105(1) Residential Tenancies Act 1986 provides that the Tribunal has the power to order a rehearing where “a substantial wrong or miscarriage of justice has or may have occurred or is likely to occur”.
16. Usually the party applying for the rehearing must show that something went wrong with the Tribunal’s procedure, for example, that they did not receive notice of the hearing or they were not able to properly present their case. A rehearing may also be granted where there is new evidence that was not reasonably available at the first hearing, if it could have affected the outcome.
17. The District Court has held that if the Tribunal was simply wrong in its findings of fact, or its application of the law, this is not sufficient to establish a miscarriage of justice: a rehearing is not an alternative to an appeal. Furthermore, a rehearing will not be granted just because a party is unhappy with the decision, or to give them a second opportunity to present their case.

Ms Hills submissions

18. Ms Hill said her main ground for seeking a rehearing was that she had only about 48 hours to prepare for the 7 August 2026 hearing after the hearing date was brought forward.
19. She said that because of the shortened timeframe, she did not have enough time to consider alternative options for paying the bond if WINZ assistance was unsuccessful.
20. Ms Hill said WINZ had indicated that she could reapply with the correct information. She accepted there was no certainty that WINZ assistance would be approved.
21. Ms Hill also raised other matters, including that the relationship between the parties had deteriorated and that the tenants may wish to vacate. I explained that those matters were not the subject of today’s hearing. The only issue before me was whether the statutory threshold for a rehearing had been met.

Ms Willis’ submissions

22. Ms Willis opposed the rehearing application.
23. Ms Willis’ position was that the tenants had not complied with the 7 August 2026 order. Ms Willis said the tenants had paid one arrears instalment and some rent, but the weekly rent due by today (31 August 2026) had not been received. She said the rent arrears were then 17 days, or $2,570.
24. Ms Willis also said the bond had not been paid and that WINZ had not made any payment.

25. Ms Willis then emphasised that the landlord had already lost confidence in the tenants' ability to comply with payment arrangements, and that the later events had confirmed that concern

Has a substantial wrong or miscarriage of justice occurred?

26. I am not satisfied that a substantial wrong or miscarriage of justice has occurred, may have occurred, or is likely to occur.
27. I do not accept Ms Hill's submission that she was unable to properly prepare for the 7 August 2026 hearing.
28. The landlord's application was straightforward. The core issue was that significant rent arrears were owing and that no bond was held for the tenancy according to the tenancy agreement.
29. Ms Hill understood that issue. Before the 7 August 2026 hearing, the tenants managed to make payments which brought the rent arrears to just below 21 days. That was significant, because it affected the landlord's ability to seek immediate termination on the basis of rent arrears.
30. During the 7 August 2026 hearing, Ms Hill accepted there were arrears. She explained why the arrears had occurred. She told me about the tenants' financial circumstances, the tenants' children, and her intention to seek WINZ assistance for the bond.
31. Ms Hill was also able to propose a specific repayment arrangement. The conditional termination order largely reflected the proposal advanced by Ms Hill at that hearing.
32. I also take into account the history of the first adjournment request. Ms Hills sought an adjournment on the basis that they were travelling to the Cook Islands for a funeral. When the Tribunal asked for tickets or travel documents to support that request, none were provided.
33. In those circumstances, I have difficulty accepting Ms Hill's submission that she was unable to prepare for a hearing about rent arrears and unpaid bond.
34. The issue is whether the tenants could comply with the conditional termination order. They did not comply. The bond was due by 23 August 2026. It was not paid.
35. Ms Hill had time after the 7 August 2026 hearing to make arrangements with WINZ. The application to WINZ was not successful. That does not show that the original hearing involved a miscarriage of justice.
36. I do not need to determine why WINZ assistance was not provided. Nor do I need to make findings about the documents or information supplied to WINZ. It

is sufficient for this decision that WINZ did not pay the bond, and the tenants did not pay the bond by the due date required by the conditional termination order.

37. Ms Hill's inability to obtain WINZ assistance is not new evidence that undermines the original order. It is evidence that the tenants were unable to comply with the order they had asked the Tribunal to make.

38. I accept that losing the tenancy will have serious consequences for the tenants and their family. That was taken into account on 7 August 2026. It was the reason I made a conditional termination order rather than an immediate termination order.

39. The conditional order was intended to give the tenants one final opportunity to remedy the arrears and bond issue, while protecting the landlord if the tenants did not comply.

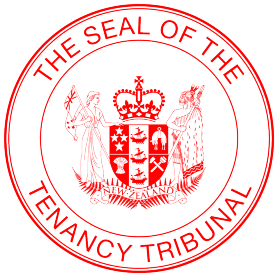
40. The tenants have not shown that they were prevented from presenting their case. They have not shown new evidence that would have changed the outcome of the 7 August 2026 hearing.

41. The application for rehearing is therefore dismissed.

42. Because the rehearing application is dismissed, there is no basis for the stay granted on 24 August 2026 to continue.

43. The stay is discharged.

44. The order dated 7 August 2026 remains in force and may be enforced according to its terms



M Kan
31 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.