

TENANCY TRIBUNAL AT Christchurch

APPLICANT: Murray James Watson, Judith Lynette Watson
Landlord

RESPONDENT: Maya Croll-Wright
Tenant

TENANCY ADDRESS: 69 Crofton Road, Harewood, Christchurch 8051

ORDER

1. Maya Croll-Wright must pay Murray James Watson and Judith Lynette Watson \$208.19 immediately, calculated as shown in table below.
2. The Bond Centre is to pay the bond of \$640.00 (5342597-004) to Murray James Watson and Judith Lynette Watson immediately.

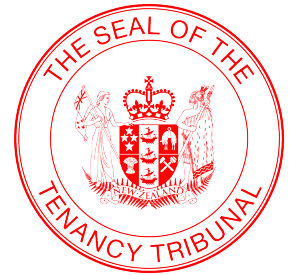
Description	Landlord
Rent arrears	\$320.00
Carpet Cleaning	\$90.00
Stove	\$100.00
Carpet repair	\$220.00
Rubbish removal	\$97.75
Filing fee reimbursement	\$20.44
Total award	\$848.19
Bond	\$640.00
Total payable by Tenant to Landlord	\$208.19

Reasons:

1. Both parties attended the hearing. Ms Croll-Wright attended by way of teleconference.

2. Mr and Mrs Watson applied for rent arrears, compensation, refund of the bond, and reimbursement of the filing fee following the end of the tenancy.
3. Ms Croll-Watson accepted the claim for rent. She also accepted the claim to repair the lounge carpet and to remove rubbish. She disputed the other claims (to clean the lounge carpet and to replace the stove).
4. Mr and Ms Watson said that they had the lounge carpets cleaned, which included stain removal treatment, because of stains and because there was a worm like creature in the carpet.
5. I accept Ms Croll-Watson's evidence that she had the carpets professionally cleaned at the end of the tenancy. However, she accepts that the stains were not removed by the cleaning. She also said that the worms found in the carpet were likely a 'meal worm' (which she kept to feed frogs) that had escaped. I therefore consider it reasonable in the circumstances for Mr and Mrs Watson to have the lounge carpet cleaned and stain treated (which they said did improve the stain damage) and that Ms Croll-Watson be required to pay the cost of that cleaning.
6. Mr and Mrs Watson said that the stove required replacement because it had been damaged by the burning of material in the stove and under the elements. They claim the sum of \$1,194.22 to replace it. Ms Croll-Watson denied that there was a fire in the stove (as suggested by Mr and Mrs Watson) and said that she had simply not finished the cleaning of it. Mr and Mrs Watson did not attempt to have the stove professionally cleaned before replacing it.
7. While I accept that Ms Croll-Watson was in breach of her obligation to leave the stove reasonably clean, I am not satisfied that Mr and Mrs Watson have provided sufficient evidence to support that the stove required replacement. I therefore consider the \$100.00 is reasonable to compensate Mr and Mrs Watson for the breach of the obligation to leave the stove reasonably clean.
8. For completeness I note that, even if I did find that Mr and Mrs Watson had established the need to replace the stove due to damage caused by Ms Croll-Watson, I consider the sum of \$100.00 would be reasonable to compensate them for its replacement after taking into account betterment/depreciation. This is because the stove was approximately 25 years old. Stoves are expected to last approximately 10 years before requiring replacement. However, Ms Croll-Watson said that it was in working order when she left the tenancy and it therefore still had some value.

9. Mr and Mrs Watson have been mostly successful in their claim and I therefore award them payment of the Tribunal application fee.



R Merrett
30 September 2020

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 \$200. 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 for the payment of less than \$1000
- a final order to undertake work worth 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 fesoatai mai le Tenancy Services i le numera 0800 836 262.