

**TENANCY TRIBUNAL AT** [Event location suppressed]

APPLICANT: [The applicant/s]

Landlord

RESPONDENT: [The respondent/s]

Tenant

TENANCY ADDRESS: Unit/Flat Flat 1, 9 Adriatic Avenue, Henderson, Auckland  
0612

**ORDER**

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the Tenant and Landlord name and identifying details.
2. The tenancy of [The tenant/s] at Unit/Flat Flat 1, 9 Adriatic Avenue, Henderson, Auckland 0612 is terminated, and possession is granted to [The landlord/s], at **midnight on Tuesday 11 May 2021.**
3. [The tenant/s] must pay [The landlord/s] \$20.44 immediately, calculated as shown in the table below:

Description	Landlord	Tenant
Filing fee reimbursement	\$20.44	
<b>Total award</b>	<b>\$20.44</b>	
<b>Total payable by Tenant to Landlord</b>	<b>\$20.44</b>	

**Reasons:**

1. Both parties attended the hearing.

2. The landlord has applied to the Tribunal for an order terminating the periodic tenancy on the grounds of anti-social behaviour from the tenant or someone on the premises with the tenant's permission.
3. Subject to certain considerations, the Tribunal must make an order terminating the tenancy if it is satisfied:
  - a. on 3 separate occasions within a 90-day period the tenant, or a person in the premises with the tenant's permission, engaged in anti-social behaviour in connection with the tenancy; and
  - b. on each occasion the landlord gave the tenant written notice—
    - i. describing clearly which specific behaviour was considered to be anti-social and (if known to the landlord) who engaged in it; and
    - ii. advising the tenant of the date, approximate time, and location of the behaviour; and
    - iii. stating how many other notices (if any) the landlord has given the tenant under this paragraph in connection with the same tenancy and the same 90-day period; and
    - iv. advising the tenant of the tenant's right to make an application to the Tribunal challenging the notice and;
  - c. the landlord's application to the Tribunal was made within 28 days after the landlord gave the third notice.
4. The Residential Tenancies Act 1986 ("RTA") confirms that antisocial behaviour includes harassment or any act (whether intentional or not) that reasonably causes significant alarm, distress or nuisance.
5. I have taken into account the evidence presented by the parties as set out above.
6. I have gone through the 3 separate anti-social behaviour instances with the tenant. Each of the 3 notices sent by the landlord had details backing up the claims.
7. I have determined that the landlord has established that anti-social behaviour has occurred on the premises by the tenant or a person on the premises with the tenant's permission. The landlord has served notices on the tenant as required in the RTA, and the application to the Tribunal was made within 28 days of the date of the third notice.
8. I consider it would not be unfair to terminate the tenancy taking into account the circumstances in which the behaviour arose and the notices were given.
9. The landlord and the tenant both sought name suppression. As the landlord was wholly successful in their claim, name suppression is granted. The Tribunal

also grants name suppression to the tenant so that their ability to secure future rental accommodation is not hindered by this Order.

J Setefano  
07 May 2021

## **Please read carefully:**

Visit [justice.govt.nz/tribunals/tenancy/rehearings-appeals](https://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](https://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](https://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](https://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](https://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](https://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](https://tenancy.govt.nz/disputes/enforcing-decisions), pe fesoatai mai le Tenancy Services i le numera 0800 836 262.