

**TENANCY TRIBUNAL - Remote Location**

APPLICANT: Kāinga Ora–Homes And Communities  
Landlord

RESPONDENT: Yasin Haji  
Tenant

TENANCY ADDRESS: Unit/Flat 8, 1 Kokopu Lane, Waterview, Auckland 1026

**ORDER**

1. The tenancy of Yasin Haji at Unit/Flat 8, 1 Kokopu Lane, Waterview, Auckland 1026 is terminated, and possession is granted to Kāinga Ora–Homes And Communities, immediately.
2. No application for suppression has been made in this case and no suppression orders apply around publication of this decision.

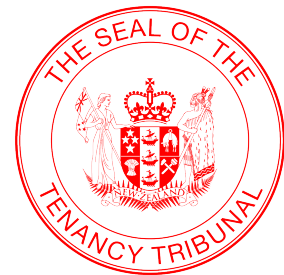
**Reasons:**

1. Both parties attended the hearing which was held by teleconference. Ms Perese represented the landlord. Mr Haji terminated the call towards the end of the hearing.
2. The landlord has applied for termination of the tenancy for breach of the tenant's obligations.

*Should the tenancy be terminated?*

3. The Tribunal may terminate a tenancy for breach where, due to the nature or extent of the breach, it would be inequitable to refuse to terminate. See section 56(1) Residential Tenancies Act 1986.

4. Where the breach is capable of remedy the landlord must first serve a notice on the tenant requiring them to remedy the breach within at least 14 days and establish that the tenant has failed to do so.
5. The tenant has breached their obligations by failing to pay rent and reside at the premises. He advises that he is awaiting Kainga Ora finding a new home for him and is currently staying at a relative's house because he was trespassed from this address by the Police.
6. The landlord served a 14-day notice on the tenant on 15 December 2022 and the tenant did not remedy the breach within the required period.
7. It would be inequitable to refuse to terminate the tenancy because the tenant is not residing at the premises and is not paying rent. He is very upset that a new home has not yet been provided for him. Kainga Ora's evidence is that his Property Manager is finding it hard to communicate with him to do this. Mr Haji was advised at the hearing that Kainga Ora are responsible for rehoming him and that the Tribunal cannot order that they provide him with immediate accommodation, however I note that he did not accept that advice.
8. I also note that Mr Haji was asked a number of times to provide contact details for himself but he refused to do so.
9. Despite Mr Haji being in considerable arrears this application was not for rent arrears therefore no direction is made in that respect. If necessary, a further application for rent arrears can be made by the landlord.



K Lash  
11 April 2022

## **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.

---

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.