

**TENANCY TRIBUNAL - Auckland | Tāmaki Makaurau**

APPLICANT: Barfoot & Thompson Limited As Agent For Daniel Reid-Watson

Landlord

RESPONDENT: Lorraine Kopa

Tenant

TENANCY ADDRESS: Unit/Flat 232, 287 Onehunga Mall, Onehunga, Auckland 1061

**ORDER**

1. No application for suppression has been made in this case and no suppression orders apply around publication of this decision.
2. The tenancy of Lorraine Kopa at Unit/Flat 232, 287 Onehunga Mall, Onehunga, Auckland 1061 is terminated, and possession is granted to Barfoot & Thompson Limited As Agent For Daniel Reid- Watson, at **11:59pm on Thursday 28 September 2023.**
3. Lorraine Kopa must pay Barfoot & Thompson Limited As Agent For Daniel Reid- Watson \$3,071.61 immediately, being water and rent arrears to 28 September 2023.

Description	Landlord	Tenant
Rent arrears	\$3,000.00	
Filing fee reimbursement	\$20.44	
Water rates	\$51.17	
<b>Total award</b>	<b>\$3,071.61</b>	
<b>Total payable by Tenant to Landlord</b>	<b>\$3,071.61</b>	

**Reasons:**

1. The landlord attended the hearing. There was no appearance by the tenant.
2. The landlord has applied for rent and water arrears and termination of the tenancy for breach of the tenant's obligations.
3. The landlord provided invoices for water usage which confirm the amount outstanding. Having sighted these invoices I am satisfied that the tenant is responsible for payment of this overdue amount.

***Should the tenancy be terminated?***

4. 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.
5. 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.
6. The tenant has breached their obligations by failing to pay the rent and bond as required pursuant to the signed Tenancy Agreement dated 16 August 2023.
7. The landlord served a 14-day notice on the tenant on 21 August 2023, and the tenant did not remedy the breach within the required period.
8. It would be inequitable to refuse to terminate the tenancy based on the evidence I have been provided with in support of this application. I am not satisfied that the tenant is unlikely to commit further breaches. The landlord says that no rent has been received by the tenant since the start of the tenancy despite numerous requests. The tenant has also failed to pay the bond. I have sighted numerous email exchanges between the parties where the tenant advises that the rent will be paid. On each occasion there has been no rent received by the landlord.
9. The landlord has applied for rent arrears and has provided rent records which prove the amount owing as at today's date.

10. Because Barfoot & Thompson Limited As Agent For Daniel Reid- Watson has wholly succeeded with the claim I must reimburse the filing fee.



M Manhire  
28 September 2023

## **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 fesootai mai le Tenancy Services i le numera 0800 836 262.