

**TENANCY TRIBUNAL - Nelson | Whakatū**

**APPLICANT:** Summit Property Management Limited On Behalf Of Kelvin & Rosie Gardiner (K J & R M Gardiner Family Trust)

Landlord

**RESPONDENT:** David McGregor

Tenant

Jay Patricia McGregor

Guarantor

**TENANCY ADDRESS:** Unit/Flat 1, 99 Nayland Road, Stoke, Nelson 7011

**ORDER**

1. David McGregor and Jay Patricia McGregor to pay Summit Property Management Limited On Behalf Of Kelvin & Rosie Gardiner (K J & R M Gardiner Family Trust) \$682.62 from the bond, calculated as shown in table below.
2. The Bond Centre is to pay the balance of the bond of \$682.62 (5294933-006) to Summit Property Management Limited On Behalf Of Kelvin & Rosie Gardiner (K J & R M Gardiner Family Trust) immediately.

| Description        | Landlord        | Tenant |
|--------------------|-----------------|--------|
| Cleaning           | \$422.36        |        |
| Repairs: wall      | \$260.26        |        |
| <b>Total award</b> | <b>\$682.62</b> |        |
| Bond               | \$682.62        |        |

**Reasons:**

1. Only the landlord attended the hearing. Neither the tenant David McGregor nor the guarantor Jay McGregor appeared.

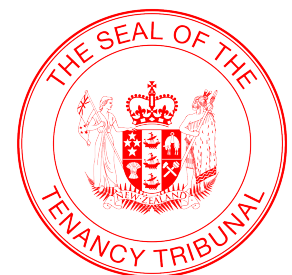
2. The landlord has applied for compensation and refund of the bond following the end of the tenancy.

*Did the tenant comply with their obligations at the end of the tenancy?*

3. At the end of the tenancy the tenant must leave the premises reasonably clean and tidy, remove all rubbish, return all keys and security devices, and leave all chattels provided for their benefit. See section 40(1)(e)(ii)-(v) Residential Tenancies Act 1986.
4. The tenant did not leave the premises reasonably clean and tidy.
5. The amounts ordered are proved.

*Is the tenant responsible for the damage to the premises?*

6. A landlord must prove that damage to the premises occurred during the tenancy and is more than fair wear and tear. If this is established, to avoid liability, the tenant must prove they did not carelessly or intentionally cause or permit the damage. Tenants are liable for the actions of people at the premises with their permission. See sections 40(2)(a), 41 and 49B RTA.
7. The wall was damaged during the tenancy. The damage is more than fair wear and tear, and the tenant has not disproved liability for the damage.
8. The amounts ordered are proved.



J Tam  
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.

---

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.