

TENANCY TRIBUNAL - Nelson | Whakatū

APPLICANT: Bridget Claire Sanders, Roger Keith Sanders
Landlord

RESPONDENT: Kahu Kumeroa, Zion Scott
Tenant

TENANCY ADDRESS: 129 Washington Road, Washington Valley, Nelson 7010

ORDER

1. Kahu Kumeroa and Zion Scott must pay Bridget Claire Sanders and Roger Keith Sanders \$1,983.04 immediately, calculated as shown in table below.
2. The Bond Centre is to pay the bond of \$1,000.00 (3374317-006) to Bridget Claire Sanders and Roger Keith Sanders immediately.

Description	Landlord	Tenant
Rent arrears to 3 June 2023	\$1,500.00	
Water rates	\$120.00	
Electricity reconnection fee	\$125.00	
Repairs: carpet replacement, insurance excess only	\$500.00	
Repairs: replacement of glass in front door	\$717.60	
Filing fee reimbursement	\$20.44	
Total award	\$2,983.04	
Bond	\$1,000.00	
Total payable by Tenant to Landlord	\$1,983.04	

Reasons:

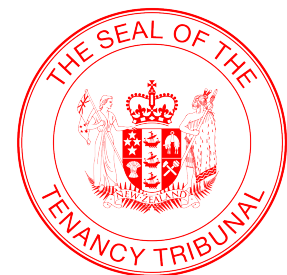
1. Both parties attended the hearing.
2. The landlord has applied for rent arrears, compensation, refund of the bond, and reimbursement of the filing fee following the end of the tenancy.

How much is owed for rent and water rates?

3. The tenancy ended on 3 June 2023. The landlord provided rent records and water rates invoices which prove the amount owing at the end of the tenancy.

Is the tenant responsible for the damage to the premises?

4. 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.
5. Where the damage is caused carelessly, and is covered by the landlord's insurance, the tenant's liability is limited to the lesser of the insurance excess or four weeks' rent (or four weeks' market rent in the case of a tenant paying income-related rent). See section 49B(3)(a) RTA.
6. Tenants are liable for the cost of repairing damage that is intentional or which results from any activity at the premises that is an imprisonable offence. This applies to anything the tenant does and anything done by a person they are responsible for. See section 49B(1) RTA.
7. The following damage was caused during the tenancy: carpets and front door. 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. This includes the power reconnection fee incurred by the landlord due to the tenant's non-payment of power charges during their tenancy.



J Tam
28 September 2023

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