

TENANCY TRIBUNAL - [Event location suppressed]

APPLICANT: [The applicant/s]
Landlord

RESPONDENT: Fran Olson
Tenant

TENANCY ADDRESS: [Tenancy address suppressed]

ORDER

1. An application for suppression has been made in this case, and the Tribunal orders suppression of the Landlord name and identifying details.
2. The tenancy of Fran Olson at [Tenancy address suppressed] is terminated, and possession is granted to [The landlord/s], at 11.59pm on Tuesday 17 October 2023.
3. Fran Olson must pay [The landlord/s] \$374.01 immediately, calculated as shown in the table below:

Description	Landlord	Tenant
Rent arrears to 29.9.2023	\$353.57	
Filing fee reimbursement	\$20.44	
Total award	\$374.01	
Total payable by Tenant to Landlord	\$374.01	

Reasons:

1. The landlord attended the hearing by teleconference. The Tribunal made three attempts to call the tenant on the cell phone number provided in the application, but all calls diverted to voicemail. I am satisfied that the tenant received notice of the hearing but did not attend.
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 when it is due. There are several instances of the tenant falling into arrears in January, and February 2023 and more recently, continuous arrears since June 2023.
6. The landlord has served several 14-day notices on the tenant. In relation to the notices dated 8 June 2023 and 8 August 2023 the tenant did not remedy the breaches within the required period. Furthermore, the tenant was more than 21 days in arrears as at 8 September 2023. The tenant is still in arrears at the hearing date.
7. I am satisfied on the evidence that it would be inequitable to refuse to terminate the tenancy because there is a pattern of the tenant failing to pay rent on time and failing to remedy the rent arrears as required in the 14 day notices served on the tenant.
8. The tenancy is therefore terminated. The landlord provided evidence of discussions with the tenant agreeing to termination of the tenancy on 17 October 2023. As requested by the landlord the tenancy is terminated with effect on that date.
9. The landlord provided rent records which prove the amount owing at the hearing date. I have calculated the arrears owed up to the end of the current rent period on Friday 29 September 2023. The tenant will be liable for continuing weekly rent of \$500 next due on Saturday 30 September 2023 until the tenancy terminates.
10. As the landlord has wholly succeeded with their application, they are entitled to suppression of their name and identifying details and to reimbursement of the filing fee.

K Stirling, 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.