

TENANCY TRIBUNAL - Remote Location

APPLICANT: Property Brokers Manawatu Limited As Agent For K Kishore
Landlord

RESPONDENT: Toua Samuelu, Patricia Samuelu
Tenant

TENANCY ADDRESS: 9 Domain Street, Palmerston North, Palmerston North 4410

ORDER

1. No application for suppression has been made in this case and no suppression orders apply around publication of this decision.
2. Toua Samuelu and Patricia Samuelu must pay Property Brokers Manawatu Limited As Agent For K Kishore \$470.44 immediately, as calculated in the table below:

Description	Landlord	Tenant
Rent arrears to 27 September 2023	\$450.00	
Filing fee reimbursement	\$20.44	
Total award	\$470.44	
Total payable by Tenant to Landlord	\$470.44	

Reasons:

1. The hearing was held by teleconference. The agent for the landlord attended the hearing. The other party did not attend. The tenants were contacted several times on the contact numbers provided in the application but on all occasions the call went straight to voicemail.
2. The landlord has applied for rent arrears and has provided rent records which prove the amount owing.

3. The landlord sought, in addition to an order for the rent arrears, that I make an order for termination. However, the original application did not include a claim for termination of the tenancy and termination was not referred to on the original notice of hearing sent to the tenants (see section 91(2)(a) Residential Tenancies Act 1986). As the tenants have not been properly notified that their tenancy was at risk of a termination order today, I am unable to make a termination order.
4. Having said this, the Tribunal sounds a note of caution to the tenants. It is hazardous to persistently have outstanding rent arrears. It is time-consuming and hence costly for the landlord to pursue this debt. A persistent pattern of rent arrears may well result in the Tribunal taking the view that it would be inequitable for the Tribunal to refuse to terminate the tenancy.
5. As the landlord has been wholly successful with the application, I must order the other party to reimburse the filing fee.



J Setefano
27 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.