

TENANCY TRIBUNAL - [Event location suppressed]

APPLICANT: [The applicant/s]
Landlord

RESPONDENT: Jeremy Donald Harcourt
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's name and identifying details.
2. The tenancy of Jeremy Donald Harcourt at [Tenancy address suppressed] is terminated, and possession is granted to [The landlord/s] immediately.

Reasons:

1. The hearing was conducted by telephone. The landlord attended. The tenant did not attend. The call to his mobile telephone number went to voice mail.
2. This tenancy began in April 2023. The landlord owns the two storied house which is [Tenancy address suppressed]. Half of the ground floor of the house is a self-contained flat and the landlord agreed to rent the flat to the tenant at a rent of \$225 per week.
3. Shortly after the tenancy began, the landlord employed the tenant to work for him. In August, the landlord gave the tenant notice to end his employment because he was ceasing business. On 15 August, during the notice period, he asked the tenant to undergo a drug test. The tenant refused and there was an altercation during which the tenant threatened to burn down the landlord's house.

4. The landlord reported the threat to the Police who, the landlord said, have charged the tenant. It seems that it is a condition of the tenant's bail that he is not to enter the premises or come near it. In any case, he is prohibited from doing so and he has not been back to the premises, and he has not paid rent. His belongings are still in the premises.
5. Section 55(1)(b) of the Residential Tenancies Act 1986 (the Act) states that the Tribunal must make an order terminating the tenancy where it is satisfied that the tenant has threatened to cause substantial damage to the premises. I am satisfied that he has done so.
6. In any case, it is impossible for the tenancy to continue because the tenant is prohibited from entering the premises. It is therefore in both parties' interests that the tenancy is ended.
7. I have therefore made an order for immediate termination of the tenancy and granted the landlord possession of the premises.
8. The landlord must now comply with his obligations under the Act in respect of dealing with the tenant's belongings left at the premises.
9. The landlord did not seek an order for the payment of money.

R Armstrong
19 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.