

TENANCY TRIBUNAL AT Christchurch

APPLICANT: Andrew Neville Humphries
Tenant

RESPONDENT: Gold Property Management Limited
Landlord

TENANCY ADDRESS: 44 Barnes Road, Redwood, Christchurch 8051

ORDER

1. Andrew Neville Humphries must pay Gold Property Management Limited \$242.86 from the bond being rent arrears to the end of the tenancy.
2. The landlord's claim for cleaning costs is dismissed.
3. The tenant's claim for compensation for the landlord's caravan being put on the premises is dismissed.
4. The Bond Centre is to pay the bond of \$1,140.00 (6138388-001) immediately apportioned as shown below.

Gold Property Management Limited: \$242.86

Andrew Neville Humphries: \$897.14

Reasons:

1. Mr Humphries attended the hearing. Ms Luckman and Ms Youngman attended for the landlord.
2. The tenant has applied for the bond and compensation for the landlord putting a caravan on the premises early in the tenancy.
3. The landlord has applied for rent arrears and cleaning costs.
4. The tenant has applied for the bond and for compensation for the landlord placing a caravan on the premises.

Rent

5. The rent arrears are agreed.

Cleaning

6. The landlord produced the ingoing and outgoing inspection reports and there were photographs attached to them both.
7. The tenant said that the premises were not entirely clean at the start and the ingoing report tends to confirm that. The current agents were not the agents at that time.
8. I also note that the photographs in the ingoing report are fewer and of poorer quality than those in the outgoing report.
9. The outgoing report photographs do show a few areas where the cleaning could have been better, and the tenant accepted that he may have missed a few areas.
10. Given the evidence of the condition of the premises at the start of the tenancy, the difference in the quality of the evidence between the ingoing and outgoing condition and the relatively minor cleaning issues left at the end of the tenancy, I am not satisfied that the tenant failed to leave the premises reasonably clean and tidy. The landlord's claim in that respect is therefore dismissed.
11. The tenant claimed that the landlord put a caravan on the premises at the start of the tenancy in breach of his right to exclusive occupation of the premises.
12. The tenant is correct that the landlord had no right to do that. But the tenant allowed the landlord to do so and he did not make any complaint about it until after the tenancy ended. In those circumstances the tenant agreed or at least acquiesced to the caravan.

13. The tenant said that he didn't know what his rights were at the time. That may be so, but this is not a case, in my view, where the Tribunal can say that the tenant was coerced. It would not be right to make an award in the tenant's favour where he could have objected to the caravan. It should have been obvious to him that he did not have to allow it and if he was in any doubt, he could easily have obtained advice from Tenancy Services.
14. I therefore dismiss the tenant's claim.
15. I make no award of the filing fees.



R Armstrong
28 October 2020

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, asiiasi ifo le matou aupega tafailagi: tenancy.govt.nz/disputes/enforcing-decisions, pe fesoatai mai le Tenancy Services i le numera 0800 836 262.