

**TENANCY TRIBUNAL - Porirua**

APPLICANT: Te Ahuru Mowai Limited Partnership  
Landlord

RESPONDENT: Justine Edwards  
Tenant

TENANCY ADDRESS: 9 Wakefield Terrace, Tawa, Wellington 5028

**ORDER**

1. The tenancy of Justine Edwards at 9 Wakefield Terrace, Tawa, Wellington 5028 is terminated, and possession is granted to Te Ahuru Mowai Limited Partnership, at 5pm on Sunday, 29 September 2024.
2. Justine Edwards must pay Te Ahuru Mowai Limited Partnership \$27.00 immediately, being the filing fee.

**Reasons:**

1. On 8 August 2024, after receiving results of methamphetamine testing at the property, the landlord gave notice of termination to the tenant under section 59A(4) of the Residential Tenancies Act 1986. The premises was tested in April and results showed methamphetamine levels over 15ug/100cm<sup>2</sup> in some rooms. A subsequent test in July 2024 found dangerous levels of contamination in most living areas. The termination notice was given because the landlord determined that the level of contamination has resulted in the premises being uninhabitable.
2. The July test results returned readings of:
  - a. 38µg/100cm<sup>2</sup> in the entrance and hallway,
  - b. 35µg/100cm<sup>2</sup> in the kitchen,
  - c. 27µg/100cm<sup>2</sup> in the dining room,

- d.  $37\mu\text{g}/100\text{cm}^2$  in the laundry,
  - e.  $3.4\mu\text{g}/100\text{cm}^2$  in the bathroom,
  - f.  $26\mu\text{g}/100\text{cm}^2$  and  $38\mu\text{g}/100\text{cm}^2$  in the hallway,
  - g.  $7.6\mu\text{g}/100\text{cm}^2$  in bedroom 1,
  - h.  $41\mu\text{g}/100\text{cm}^2$  in bedroom 2,
  - i.  $55\mu\text{g}/100\text{cm}^2$  and  $30\mu\text{g}/100\text{cm}^2$  in bedroom 3 (2 swabs taken) and
  - j.  $33\mu\text{g}/100\text{cm}^2$  in bedroom 4.
3. The landlord has requested the Tribunal to confirm termination of the tenancy.
  4. The landlord must prove that the tenant caused or permitted the contamination, or that it was caused by someone at the premises with the tenant's consent. I am satisfied that has been proved.
  5. Section 138C Residential Tenancies Act 1986 provides for regulations to be made prescribing the maximum acceptable level for contaminants, but as yet no regulations have been made in relation to methamphetamine.
  6. There are currently two sources of guidance on the issue of a safe level of methamphetamine contamination in residential premises. In June 2017 Standards New Zealand published NZS 8510:2017. The standard recommended a maximum contamination level of  $1.5\mu\text{g}/100\text{cm}^2$  for high use areas where contamination has resulted from both consumption and manufacture. It recommended a higher level of  $3.8\mu\text{g}/100\text{cm}^2$  for limited use areas.
  7. In May 2018 Professor Sir Peter Gluckman, the then Prime Minister's Chief Science Advisor, released a report "*Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards*". The report noted that there is a lack of scientific evidence to prove that low-level third-hand methamphetamine exposure poses a health risk to humans. It stated that guidelines should be proportionate to risk and that exposure to a level below  $15\mu\text{g}/100\text{cm}^2$  was unlikely to have an adverse effect. It recommended retaining the level of  $1.5\mu\text{g}/100\text{cm}^2$  where contamination resulted from manufacture, due to the risk posed by harmful chemicals used in the process.
  8. The Tribunal has generally applied the Gluckman recommendation. This approach was approved by the District Court in *Full Circle Real Estate Limited v Piper* [2019] NZDC 4947, where the Court stated (at para [36]):

The Tenancy Tribunal was in a difficult position. The best state of knowledge of risk to human health from methamphetamine contamination available to the adjudicator was the Gluckman Report. It would have been bold for the adjudicator to have ignored that report in favour of the New Zealand Standard given that the Gluckman report represents the current scientific knowledge on the risk to human health from methamphetamine contamination in dwellings.

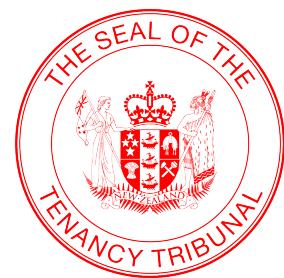
9. The District Court took a similar approach in *Acme Realty Limited v Hogg and others* [2021] NZDC 3231, where the Court referred to the *Full Circle* case and held that, because NZS 8510:2017 has not been adopted into law, the Tribunal was not bound to apply the 1.5µg standard.
10. More recently, in *Barfoot and Thompson Limited v Kāhui Tū Kaha Limited* [2021] NZTT Auckland 4276319, both parties presented scientific evidence at a hearing before the Tribunal. The Tribunal concluded that there was no new scientific research to change the conclusions reached in the Gluckman Report.

### *Conclusion*

11. Whether the premises is assessed using NZS 8510:2017 or the standard recommended by Gluckman, the premises is unsafe and uninhabitable due to contamination and must be vacated immediately. I have therefore ordered that the tenant leaves the property and the landlord takes possession to prevent any further danger to any occupants.

### *Filing Fee*

12. Because the landlord has been wholly successful with the claim, the filing fee of \$27.00 is ordered.



B Smallbone  
25 September 2024

## **Please read carefully:**

Visit [justice.govt.nz/tribunals/tenancy/rehearings-appeals](https://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](https://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 \$260. 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](https://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](https://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.

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If you require further help or information regarding this matter, visit [tenancy.govt.nz/disputes/enforcing-decisions](https://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](https://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](https://tenancy.govt.nz/disputes/enforcing-decisions), pe fesoatai mai le Tenancy Services i le numera 0800 836 262.