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Ten tenants win appeal against rent increase

TEN Wairoa tenants living in eight Campbell Street flats have won an appeal against an increase in their rent, which was deemed an unlawful rent increase notice, and of no effect.

Last Wednesday, the Tenancy Tribunal adjudicators R Woodhouse and C Price stated the landlord of the flats unlawfully increased rent on April 5, 2023.

With rent increases made in October 2022, landlords Clinton and Mali Rivers, based in Australia, wanted to increase the rent in April 2023, six months earlier than allowed.

The Tenancy Tribunal noted the applicant tenants were therefore only required to pay rent at the level of \$300 per week until 12 months after the previous rent increase made in October 2022, to October 2023.

The landlord was ordered to reimburse the applicant tenants any amount paid by the tenants for rent above \$300 from the April increase to November 11, 2023.

Dr Murray Olsen represented the tenants and was pleased with the outcome.

“Wairoa has cheap housing, however landlords are wanting to push rent prices up to Auckland prices.

“It is not a cheap place to live in though because a there are a lot of services not in Wairoa.

“You have to travel two hours to Napier or Gisborne.”

Campbell Street flat resident Rhona Johnston says it is becoming a practice to put rent prices up each year.

“The rental system is unbalanced and the housing market is being thought of as a business.”

With the flats built for pensioners, Ms Johnston says their pension income is going straight to landlords.

“The pension rate is not matching the rent rate.



NOT GIVING IN: Campbell Street flat residents have won a Tenancy Tribunal case for their rent to not be increased biannually.

“The system is getting out of control.” Dr Olsen says the Kiwi way to get rich is to rent properties.

“It is almost like landlords want all of their tenants’ pensions.”

One Campbell Street resident for over twenty years, Jock Crarer, aged 87 years old says he always made sure to pay his rent.

On February 8, last year, the landlords wrote to the tenants in a document headed ‘offer to resolve dispute over rent increase’.

The landlord advised they believed the rent increase as notified to apply in October 2022 was a market rent, and the landlord advised that it believed it would succeed with its appeal in the District Court.

The landlord proposed that the rent to be applied from March 2023 would be \$325 per week and stated that if the offer was not accepted, they would appeal to the Gisborne

District Court. There was also a meeting held between the tenants and landlord.

Mr Crarer says that meeting is the only time the landlord has visited to meet the tenants.

“Other than in court, he has not met with us or stepped into the property to view them.”

He felt the landlord did not need to push the rent up and should know that Wairoa cannot be similar rents to others around the country.

“He knew what he was buying, he just wants people to pay what he is asking for and to get as much money as possible.”

Mr Crarer believed the landlord was wanting to get rid of the pensioners and have younger people able to pay what he wanted. Campbell Street resident Sally Lloyd



NOWHERE ELSE TO GO: Campbell Street flat residents feel they have nowhere else to move to and that they are in a difficult situation as rent prices increase.

agreed. “I think the landlord does not want us in there and to have someone with a regular income who will pay.”

■ The stay previously ordered in the tribunal’s interim Order of November 24, 2023, was modified, to the extent that the rent to be paid by all the tenants, with the exception of one tenant, from 24 November 2023, was to be \$330 per week, pending the Tribunal determining the market rent applications.

A further hearing is to be scheduled to consider all the tenants’ market rent applications; and the landlord’s application for rent arrears in relation to another tenant.

* The landlord appealed the Tribunal’s order to the District Court. The District Court issued an outcome judgment dated October 2, 2023, advising that the appeal was dismissed, but confirming that the reasons for that would be set out in a later decision.

“It is relevant to note that at the time of the Tribunal issuing this current decision, the district court’s reasons decision has not been received, so we are proceeding on the basis that, given the appeal has been dismissed, the Tribunal’s order fixing the rent at \$300 per week continues to apply.”

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