

BETWEEN

AFD

APPLICANT

AND

LM Insurance Ltd

APPLICANT'S INSURER

AND

ZUS

RESPONDENT

Date of Order:

21 June 2013

Referee:

Referee Avia

ORDER OF THE DISPUTES TRIBUNAL

The Tribunal hereby orders that ZUS is to pay LM Insurance Ltd \$1,993.76 on or before 5 July 2013.

Facts

[1] On 27 January 2013, ZUS reversed her car down a shared driveway. AFD had parked her car in the driveway. As she reversed, ZUS collided with the front of AFD's car.

[2] LM, AFD's insurer, claims its repair costs of \$1,993.76 from ZUS.

Issues

[3] The issues to determine are as follows:

- (i) Whether ZUS took reasonable precautions to check the way was clear before and during her reversing manoeuvre;
- (ii) Whether this caused the collision; and
- (iii) Whether the costs claimed are reasonable.

Decision

[4] As the liable party, ZUS must compensate AFD and LM by paying the reasonable repair costs. I find the repair costs are consistent with the description of the collision as the front of the car was repaired. I find the costs claimed are reasonable given that an assessor, independent of the panel beater, approved the panel beater's quote.

[5] ZUS queried the necessity of painting the right front door. While the door was not damaged in the impact, I find the painting was necessary as a consequence of the collision. This is because the right front guard was damaged as the result of the impact. To ensure the colour of the guard and the adjoining door matched, I accept it was reasonable that the paint on the door was blended to match.

[6] ZUS said that the car was worth less than the cost of repairs. However, she produced no evidence to support this statement.

[7] In light of the above, I order ZUS to pay LM Insurance \$1,993.76.