

**BETWEEN**

**BI  
APPLICANT**

**AND**

**YR INCORPORATED  
RESPONDENT**

Date of Order:

25 October 2013

Referee:

Referee Perfect

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**ORDER OF THE DISPUTES TRIBUNAL**

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**The Tribunal hereby orders that the matter is struck out for lack of jurisdiction.**

**Reasons**

[1] The Tribunal does not have jurisdiction to hear matters relating to Body Corporate levies because they are considered to be “money due under an enactment” (The Unit Titles Act). BI has put forward, at the hearing today, written advice from his lawyer suggesting that the Tribunal had jurisdiction under quasi-contract for the original claim and this claim. It may otherwise do, if it were not for the specific bar on claims in respect of money due under any enactment.

[2] Section 11(7) of the Disputes Tribunals Act 1988 states:

*“Without limiting [section 10(1A) or (2)], nothing in subsection (1) of that section in so far as it confers jurisdiction in quasi-contract on a Tribunal shall be construed as authorising a claim in respect of money due under any enactment.”*

[3] The fact that BI’s new claim is for penalties and legal costs does not bring it into jurisdiction, because the original cause of action is still the same. The penalties and legal costs arise from the original non-payment of body corporate levies. Penalties and legal costs do not stand alone so it follows that because the original claim was not in jurisdiction, this claim cannot be in jurisdiction either and must be struck out.