

BETWEEN

AGP

APPLICANT

AND

ZTZ Ltd

RESPONDENT

Date of Order:

23 November 2009

Referee:

Referee Benson

ORDER OF THE DISPUTES TRIBUNAL

The Tribunal hereby orders that the claim is transferred to the Motor Vehicle Disputes Tribunal at Auckland.

[1] In January 2003, AGP purchased a new Peugeot 307 motor vehicle from ZTZ Ltd. In 2009, the automatic transmission failed. AGP brought this claim against ZTZ Ltd to recover the cost of repair (\$5,707.50).

[2] The legal basis for AGP's claim was that the failure of the transmission after 34,000km meant that the vehicle was not of "acceptable quality", ie not free from minor defects and not durable to the standard a reasonable consumer fully acquainted with the state and condition of the goods would regard as acceptable (Consumer Guarantees Act 1993, sections 6, 7).

[3] The Motor Vehicle Disputes Tribunal has jurisdiction to deal with claims under the Consumer Guarantees Act against motor vehicle traders (Motor Vehicle Sales Act 2003, sections 89, 90); and a claim can be transferred to the Motor Vehicle Disputes Tribunal if more properly be determined by that Tribunal (Disputes Tribunals Act 1988, section 36(3)).

[4] The claim was transferred to the Motor Vehicle Disputes Tribunal because:

(i) The Motor Vehicle Disputes Tribunal has jurisdiction to deal with the claims as ZTZ Ltd was a motor vehicle trader and the claim concerned the Consumer Guarantees Act 1993.

(ii) The claim was more properly determined in the Motor Vehicle Disputes Tribunal, where (unlike the Disputes Tribunal) the adjudicator had the assistance of a specialist assessor.