



(Disputes Tribunal Act 1988)
ORDER OF DISPUTES TRIBUNAL

[2024] NZDT 1

APPLICANTS **C Ltd**

HN

RESPONDENT **G Ltd**

SECOND **GX**
RESPONDENT

The Tribunal orders:

1. G Ltd is to pay C Ltd \$2387.50 on or before 20 January 2024.
2. Payment is to be made by way of direct credit to account number [redacted].

Reasons:

1. HN, the sole director of C Ltd, provides workshops and coaching for self-development through a business that trades as XX. He was known to GX through a mutual acquaintance. HN alleges GX agreed to attend workshops and coaching at a discounted price. He says she attended the three day workshop at [City] and engaged in coaching sessions over a period of more than one year. HN says GX said she couldn't pay all the \$2587.50, requested to pay by instalments and made one payment of \$200.00. His company ("C Ltd") claims the balance owing of \$2387.50.
2. Both parties provided many documents and along with a witness presented a significant amount of oral evidence. In this decision I will only refer to the evidence that is material to the determination of the claim and therefore I will not refer to all the evidence presented.
3. The issues I must decide are:
 - a. Did the parties have a binding agreement for services provided by C Ltd?
 - b. If yes, is the amount claimed reasonable?

Did the parties have a binding agreement for services provided by C Ltd?

3. When parties agree to exchange something of value a contract is formed.
4. In this situation C Ltd states it offered attendance at a workshop and coaching sessions for \$2587.50 (approximately \$7000.00 less than the usual price), GX accepted the offer and attended a workshop 1-3 August 2019 and thereafter continued to engage in coaching sessions for a year. C Ltd states GX both agreed in person, in emails and by attending and participating. HN states that at no time was GX pressured, harassed, coerced or forced to participate; most particularly because such pressure is completely counterintuitive to the purpose of the self-

development and life coaching programme. C Ltd states that the programme material refers to the different components and explains coaching. C Ltd also states the coaching sessions were discussed at the [City] workshop. C Ltd provided copies of emails, invoices, a photo of attendees, copies of coaching notes and programme information material.

5. GX states she met HN through her ex-partner. She states at the time HN was a friend of her ex-partner and when their relationship broke down HN told her attendance at his workshop and coaching would benefit her. She states she never wanted to do the course and never believed she had to pay anything and that she was under duress from HN to attend. Further she states she never realised the alleged coaching sessions were coaching sessions and she thought they were just chats. She states she was under duress because of the number of emails, phone calls, texts and visits to her office.
6. GX's witness, IB, told the Tribunal that concurrent to HN starting up C Ltd he was a friend and business colleague of GX's. He states he observed HN showing up at cafés in [Suburb] multiple times when he was having a business coffee with GX, and he observed HN calling into GX's workplace. He states HN's business was a startup and HN was attempting to get funding to assist. He states at a meeting with HN, at which GX was in attendance, it was explained that pricing was not discussed, and they were told come and do it for free. He states HN was wanting some positive testimonials and "runs on the board". He states he politely said, "thanks but no thanks". IB states it is his view HN harassed GX and it is clearly a situation where lines were blurred to gain a commercial advantage. He also states HN pursued GX relentlessly.
7. I accept that GX may not have wished to attend the [City] workshop and engage in coaching but the evidence provided shows that she did attend and did engage in coaching. I do not accept that GX did not know she was engaged in coaching and only having chats because the emails to GX providing "coaching notes" and appointments scheduled showed they were coaching. Emails to GX on both 21 December 2018 and 26 February 2019 clearly describe the package of a workshop and coaching. The latter of these two emails also presents an offer to participate for the price of \$2250.00 excluding GST. On 27 March 2019 GX emailed and requested HN to send her the July dates so she could plug them into her calendar and save the date. Further, on 8 October 2019 (after the [City] workshop and several coaching sessions) an invoice was emailed to GX requesting payment and offer to make monthly contributions to settle the invoice. GX responded on 9 October 2019, "Yep-no worries! Thank you 😊". These emails are strong evidence that GX was fully informed about the programme, of her own actions accepted the offer to participate at \$2250.00 plus GST, acknowledged and accepted payment was due, and later made a payment towards the programme. For these reasons I find GX did agree to participate in the [coaching] programme and did agree to pay the price of \$2250.00 plus GST.

Is the amount claimed reasonable?

8. HN, through C Ltd, claims \$2387.50, being the amount agreed of \$2587.50 less \$200.00 already paid.
9. The evidence shows this is the amount agreed and that \$200.00 has been paid. Therefore, I find the amount claimed is reasonable.

Referee: C Murphy
Date: 3 January 2024



Information for Parties

Rehearings

You can apply for a rehearing if you believe that something prevented the proper decision from being made: for example, the relevant information was not available at the time.

If you wish to apply for a rehearing, you can apply online, download a form from the Disputes Tribunal website or obtain an application form from any Tribunal office. The application must be lodged within 20 working days of the decision having been made. If you are applying outside of the 20 working day timeframe, you must also fill out an Application for Rehearing Out of Time.

PLEASE NOTE: A rehearing will not be granted just because you disagree with the decision.

Grounds for Appeal

There are very limited grounds for appealing a decision of the Tribunal. Specifically, the Referee conducted the proceedings (or a Tribunal investigator carried out an enquiry) in a way that was unfair and prejudiced the result of the proceedings. This means you consider there was a breach of natural justice, as a result of procedural unfairness that affected the result of the proceedings.

PLEASE NOTE: Parties need to be aware they cannot appeal a Referee's finding of fact. Where a Referee has made a decision on the issues raised as part of the Disputes Tribunal hearing there is no jurisdiction for the District Court to reach a finding different to that of the Referee.

A Notice of Appeal may be obtained from the Ministry of Justice, Disputes Tribunal website. The Notice must be filed at the District Court of which the Tribunal that made the decision is a division, within 20 working days of the decision having been made. There is a \$200 filing fee for an appeal.

You can only appeal outside of 20 working days if you have been granted an extension of time by a District Court Judge. To apply for an extension of time you must file an Interlocutory Application on Notice and a supporting affidavit, then serve it on the other parties. There is a fee for this application. District Court proceedings are more complex than Disputes Tribunal proceedings, and you may wish to seek legal advice.

The District Court may, on determination of the appeal, award such costs to either party as it sees fit.

Enforcement of Tribunal Decisions

If the Order or Agreed Settlement is not complied with, you can apply to the Collections Unit of the District Court to have the order enforced.

Application forms and information about the different civil enforcement options are available on the Ministry of Justice's civil debt page: <http://www.justice.govt.nz/fines/about-civil-debt/collect-civil-debt>

For Civil Enforcement enquiries, please phone 0800 233 222.

Help and Further Information

Further information and contact details are available on our website: <http://disputestribunal.govt.nz>.