



(Disputes Tribunal Act 1988)
ORDER OF DISPUTES TRIBUNAL

[2023] NZDT 706

APPLICANT **ET**

RESPONDENT **NG**

The Tribunal orders:

NG is to pay ET and ST the sum of \$2,500.00 within 28 days of the date of this order.

Reasons

1. In June 2022, ET and ST entered into a contract with NG (trading as NN) whereby NG agreed to provide photography services for ET and ST wedding day on 22 April 2023. The contract price was agreed at \$6,500.00, payable in advance, and in return NG was to provide the following services:
 - 11 hours coverage
 - Complimentary engagement shoot
 - Full-day coverage
 - Unlimited photo (700+)
 - 24 hour sneak preview
 - Online gallery within 4 weeks – video within 6 weeks
 - Linen box with prints
 - Drone footage
 - Two photo/video hybrids for the duration of the 11 hours
 - Raw ceremony and speeches footage
 - 3 – 5 highlights video of the day
2. ET and ST claim compensation of \$6,550.00. They claim that they did not receive all of the services promised, did not receive the photographs and video within the time promised, and some of the photographs were not of acceptable quality.
3. NG did not attend the hearing or present any defence to the claim. She was phoned on the number provided but the call went to voicemail. The absence of a party does not prevent the hearing going ahead.
4. In the absence of evidence to the contrary I am satisfied that NG is in breach of the contract by not providing all of the services as promised. In particular, ET and ST did not receive the linen box with prints or the drone footage. They received the photographs two months after the wedding, on 20 June 2023, but some of the photographs had lens reflection, were hazy, and had cut off the bottom

of ET's wedding dress. ET and ST said that they received video footage in July 2023 but suspect it is incomplete.

5. Doing the best I can on the evidence before me I consider the sum of \$2,500.00 reasonable to compensate ET and ST for the breach of contract by NG. When assessing the amount of compensation, I have taken into account that not receiving the drone footage and linen box, the disappointment with the quality of the photographs, and the delays and lack of communication from NG caused ET and ST considerable stress and anxiety during what should have been a happy time.
6. I therefore order NG to pay to ET and ST compensation of \$2,500.00.

Referee: R Merrett

Date: 14 December 2023



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>.