



(Disputes Tribunal Act 1988)  
**ORDER OF DISPUTES TRIBUNAL**

**District Court**

**[2023] NZDT 16**

**APPLICANT FH**

**RESPONDENT UO Ltd**

**The Tribunal orders:**

UO Ltd is to pay FH \$570.00 on or before 16 March 2023.

**Reasons**

1. In 2021, FH bought tickets for a Guns n Roses concert from UO Ltd for \$570.00. The concert was originally to be held in November 2021 but was postponed because of the Covid pandemic. The new date was 8 December 2022. FH had been informed by UO Ltd that she had a credit for the new date. In October 2022, FH tried to get her new tickets. They were not recorded on her account, and despite numerous attempts to contact UO Ltd, the company failed to respond. The date for the concert passed without FH receiving her tickets. The absence of communication from UO Ltd continued and so FH filed a claim in the Disputes Tribunal.
2. This is a claim for a refund of tickets not provided as promised, in the sum of \$570.00.
3. The issues to be determined were as follows:
  - a. Has UO Ltd breached a legally binding contract?
  - b. If so, what damages/compensation can FH claim?
4. UO Ltd was unable to be contacted for the hearing, despite being adequately served with the proceedings at its company's registered office and address for service, [Service address]. Under the Disputes Tribunal Act 1988 I can resolve a dispute in the absence of one of the parties.

**Has UO Ltd breached a legally binding contract?**

5. When two parties reach agreement, for example about the provision of services in exchange for a payment, a legally binding contract arises. Failure by one party to fulfil its obligations under the contract is a breach.
6. UO Ltd agreed to provide tickets to FH via her UO Ltd account which was in her previous name. UO Ltd failed to supply the tickets, forcing FH to miss the concert. This is a clear breach of the contract with her.

**If so, what damages/compensation can FH claim?**

7. When one party breaches a contract, the other can claim damages for losses they have suffered, as a consequence of the breach.
8. FH's loss was the amount of the tickets and insurance she paid, which is \$570.00. She was able to cancel her accommodation in time so there is no other loss for which UO Ltd would be required to compensate her.
9. UO Ltd must pay FH \$570.00. Because of the communications difficulties she has experienced, I have included the parent company's Chief Financial Officer and a New Zealand company officer's email addresses as contacts to receive copies of this Order on behalf of the Respondent company.

**Referee:** M Wilson  
**Date:** 23 February 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>.