



(Disputes Tribunal Act 1988)
ORDER OF DISPUTES TRIBUNAL

[2024] NZDT 34

APPLICANT **J Ltd**

RESPONDENT **TQ**

The Tribunal orders:

TQ is to pay the sum of \$983.25 to J Ltd by no later than 8 March 2024.

Reasons:

1. J Ltd claim a man, now known to be TQ, entered their premises on 8 November 2023 and purported to be interested in buying a car. When TQ asked to test drive [car 1], he presented a drivers licence in the name of CE as identification. J Ltd then let TQ drive, with the salesperson accompanying him. However when TQ attempted to drive the car out of the yard, he collided with [car 2] parked nearby, causing damage to [car 2]'s bumper and damage to [car 1]'s left rear door and quarter.
2. A subsequent altercation ensued before TQ left the scene. J Ltd reported the incident to the Police. Police enquiries revealed the drivers licence had been obtained fraudulently and the person presenting himself as CE was actually TQ.
3. Police advised J Ltd to pursue property losses in the Disputes Tribunal. J Ltd therefore claim for the cost of repairing [car 1] and [car 2]. It is for the Tribunal to determine if TQ is liable for the amount claimed.

Is TQ liable for costs incurred to repair the two vehicles?

4. A person may be liable to compensate another for their losses if that person has negligently or intentionally damaged property belonging to the other.
5. On the evidence presented, I find TQ negligent as he failed to take all due care when exiting the car yard and caused damage to two vehicles.
6. I find the losses have been proven. J Ltd have provided a repair account for the two vehicles totalling \$983.25. Without evidence to the contrary, I accept that as being fair and reasonable.
7. This matter was heard by teleconference today at 2pm however as TQ did not participate in the process, a decision was made in his absence.

Referee: DTR Edwards
Date: 15 February 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>.