



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

District Court

[2019] NZDT 1363

**APPLICANT**      **LT**

**RESPONDENT**    **TU Limited**

**The Tribunal hereby orders:**

The claim is dismissed.

Reasons

1. Ms T parked in a visitor's parking space at a residential complex where she was looking after a friend's child, in excess of the stated time limit of two hours. TU Ltd, as an authorised agent of the owner of the site, towed Ms T's vehicle and charged her a towing fee of \$295.00 which she paid.
2. Ms T claims a refund of the \$295.00 fee because while she admits having parked in excess of the time limit and having been aware of the time limit, said she was not reasonably able to move her vehicle because the toddler she was looking after was quite sick and the child's parent arrived home later than expected.
3. The issues to determine are:
  - Was TU Ltd entitled to tow Ms T's vehicle and charge the fee?
4. I find that TU Ltd was entitled to tow the vehicle after the two hours time that Ms T was authorised to park her car on the site. The fee is therefore able to be charged as a consequence of Ms T's trespass on the land beyond the two hours.
5. Ms T acknowledges that TU Ltd has followed its processes but requests that the Tribunal apply leniency because of the extenuating circumstances she outlined. However, even if Ms T had provided evidence to support the circumstances outlined (which I do not doubt), the Tribunal's role is to apply the law impartially to both parties, not to reverse the negative financial consequence of Ms T's quite justified choice to look after a child rather than move her car, at the expense of the other party that had nothing to do with that situation.

**Referee:**

**Date: 4 December 2019**



## 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 or a mistake was made.

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 outside of time, 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.

### Ground for Appeal

There is only one ground for appealing a decision of the Tribunal. This is that 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.

A Notice of Appeal may be obtained from the 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, and 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>.