



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

[2024] NZDT 6

**APPLICANT**      **N Ltd**

**RESPONDENT**    **NQ**

**The Tribunal orders:**

NQ is to pay N Ltd the sum of \$990.15 by no later than 15 March 2024.

**Reasons:**

1. The matter arises from NQ's shopping trolley (full of groceries) hitting a parked car owned by N Ltd in a supermarket car park.
2. The respondent has been amended to reflect that NQ should be the named as the respondent and not his company.
3. N Ltd is now claiming in the Disputes Tribunal for \$1530.06 for the losses suffered from the damage caused by the trolley hitting its car.

**4. Issues to be determined are:**

- (i) Was NQ negligent in allowing the trolley to roll and hit N Ltd's car?
- (ii) If yes, what are the losses suffered by N Ltd?

**Was NQ negligent in allowing the trolley to roll and hit N Ltd's car?**

5. In the event a person negligently or intentionally damages property belonging to another, that person may be liable to compensate the other person for their losses.
6. NQ has stated on the day of the incident the weather was bad and a gust of wind pushed the trolley into the side of the car.
7. NQ had a duty of care to ensure he had control of his trolley. I find that by not holding onto his trolley, especially on a windy day, he breached that duty and negligently damaged N Ltd's car.

**If yes, what are the losses suffered by N Ltd?**

8. N Ltd have provided a quote from D Ltd for \$990.15 to repair the car. I find NQ liable in negligence to pay this amount.

9. The additional amount claimed is for the estimated cost of a rental car while N Ltd's car is being repaired. However, N Ltd have not provided a quote for the rental car and therefore that part of the claim is dismissed.
10. Based on the evidence I find NQ negligently damaged N Ltd's car and is therefore liable for the losses suffered as ordered above.

**Referee: DTR Morgan**  
**Date: 20 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>.