



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

**[2023] NZDT 575**

**APPLICANT TC**

**RESPONDENT TB**

**The Tribunal orders:**

TC is to pay TB the amount of \$195.50 on or before 5 December 2023.

**Reason**

1. The dispute is over collection and installation of a television TB was engaged to do for TC and whether the work was completed. TC is claiming \$209.37 for her time and travel to deal with this; TB is claiming \$260.00 for the collection and installation, though confirmed the claim is for the \$195.50 invoice.
2. The Tribunal has limited jurisdiction to award claims for costs. TC's claim is she had to communicate with TB and the IRD (she says the IRD told her the GST number and company details provided by TB are not real) and her time and travel to do so. I do not allow TC's claim because it does not come within the limited jurisdiction of s43 of the Disputes Tribunal Act 1988. There is a risk of disappointment in all consumer transactions and the time and stress of dealing with that disappointment is not usually recoverable unless the transaction was expressly one for pleasure, i.e. a wedding or holiday, which this was not. TC says she was advised she could claim her time and travel costs to the IRD office, however TC's personal endeavours to report TB for purported tax fraud is a matter separate to the dispute and not recoverable in the Tribunal.
3. TB says the contract was to collect and install the television and did not include attaching a cable. TC says she understood the cable would be included. There was a discussion whether Google Play needed to be installed and other matters in dispute, but in the end TB did collect the television and did attach it to the wall. He says he would have returned and done the cable for free, but TC trespassed him. He says he transposed the GST number in error when issuing the invoice.
4. Having carefully considered all the evidence I find TC's claim is dismissed and TC is to pay TB the \$195.50 as ordered.

**Referee: P McKinstry**  
**Date: 7 November 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>.