

COLLINS & MAY } LAW

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If you would like any of our previous newsletters or any of the our free booklets on Wills, Family Trusts, Relationship Property of Business Law please email us.

NEWSLETTER

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DISPUTES TRIBUNAL

by Camille Bell



Disputes Tribunals are a cost effective alternative to the formal Courts for claims under \$7,500.00, or if both parties agree, under \$12,000.00. No lawyers or Judges are involved and disputes are heard by a referee. However lawyers can assist you with preparation for appearing in the Tribunal.

Examples of Disputes that People can bring to the Disputes Tribunal

- Whether work has been done properly;
- Whether goods purchased were what you asked for;
- The amount charged for work done;
- Damage to property;
- Loss of property;
- Payment for a loss caused by misleading advertising or misleading statements made by someone selling goods or services;
- Whether a boundary fence needs replacing or how costs will be shared;
- Hire Purchase Agreements;

Denying that you owe money for an account sent to you.

What the Tribunal cannot be used for

Examples of disputes the Disputes Tribunal will not hear

are those regarding:

Rates; Taxes; Social Welfare Benefits; ACC Payments; Disputes about parenting or care of children; Matrimonial Property; Disputes about Wills; Disputes about ownership of land; Value of goodwill (what you pay for if you buy someone's business with clients);

Trade secrets or other intellectual property such as copy right.

Dispute Tribunals cannot be used for collecting bad debts that are disputed.

Bob Greenfingers

Bob Greenfingers was a keen gardener and loved keeping a closely clipped lawn. His pride and joy was a top of the line motor mower.

Bob lent his mower to his neighbour Charlie.

When Charlie returned the mower the motor had been overheated and the blade was broken.

Bob's other neighbour Nigel told Bob that Charlie had driven through dense bush on his property and that had

caused the mower blade to break and to overheat.

The cost to repair the mower was \$700.00. Charlie refused to pay.

What could Bob do?

Take Charlie to the Disputes Tribunal. He would need to give evidence of the condition of the mower before Charlie used it, produce the invoice for repairs and preferably have Nigel appear as a witness.

Preparation and presentation is the key. We often assist clients by preparing written submissions for their Disputes Tribunal claims which they simply read out at the Hearing and give copies to the referee.

Appeals from Disputes Tribunals decisions are very limited and you can't appeal because the referee got the law wrong.

Once you have a Judgment in your favour it is like a Judgment of the District Court and we can then assist you with enforcement options.

How we can help

If you are unsure of whether to go to the Disputes Tribunal or use the traditional Courts process, or you are going to the Disputes Tribunal but would like help in formulating your arguments please contact Eugene, Camille or Daniel.