

The Small Claims Tribunal was set up to offer a cheap and simple alternative to bringing a small claim before a court. You may find yourself confronted with the prospect of a hearing before the Tribunal if you are involved in a dispute that involves an amount under \$7,500 and/or when the dispute is about:

- Goods or services provided by a trader to a consumer
- Goods or services provided by a trader to another trader
- Property which has been damaged by a vehicle
- A fencing dispute
- A mobile home dispute
- A residential tenancy dispute
- Distribution of bond money between tenants
- A holding deposit for a tenancy of premises

WHO CAN MAKE A CLAIM?

Only consumers can bring a claim before the Tribunal. This means that if there is a dispute between a trader and a consumer, only the consumer can initiate the claim, and if there is a dispute between traders relating to the provision of goods and services, only the recipient of the goods and services can make the claim. Similarly, for disputes involving a tenant and a landlord or agent, only the tenant can make a claim.

WHAT HAPPENS AT THE TRIBUNAL?

Matters before the Tribunal are heard by a legally qualified referee who will encourage the parties to come to an agreement. If this is possible, the referee will record the agreement. If there is no agreement, the referee will hear each party and any witnesses they bring to support their claim, and will come to a decision. Legal representation is not permitted during a Tribunal hearing.

Once the referee has come to a decision or the parties come to an agreement, the referee will make an order, either to complete work, or to pay money. If the order is not carried out, it can be enforced at a Magistrates Court.

At Ferguson Cannon Lawyers, we can advise you on bringing a claim before the Small Claims Tribunal. We would be happy to help you prepare for a hearing, including assisting you to prepare your case, taking statements from witnesses and preparing any affidavits that may be required.