

Disputes Tribunal and courts

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People end up in disputes over a range of matters and it's important to check your options.

Disputes Tribunal

The Disputes Tribunal provides a quick and less expensive forum that can resolve a wide range of disputes.

Disputes Tribunals are not like formal courts. A lawyer cannot represent you and there are no judges, just a referee who has been carefully selected and trained to hear disputes. However any Disputes Tribunal ruling is binding and can, if necessary, be enforced by the courts. You may still wish to seek legal advice even though you can't have legal representation at the hearing.

The focus of the Tribunal is to consider the evidence and apply the relevant law to determine what is fair and just in the circumstances.

You can take a dispute to the Disputes Tribunal if your claim is for up to \$15,000 (or \$20,000 if both parties agree).

If your claim is for more than this or if you need to enforce the Disputes Tribunal's decision, you can go to the District Court. It's worth getting some legal advice if you are considering taking the matter to the District Court.

Formerly known as the Small Claims Tribunal, this may be an appropriate forum for minor, non-technical disputes.

The [Disputes Tribunal \(http://www.justice.govt.nz/tribunals/disputes-tribunal\)](http://www.justice.govt.nz/tribunals/disputes-tribunal) process is explained on the Ministry of Justice website.

Go to Court

While going to court is probably a last resort, it is important that you take legal advice on your options at an early stage, particularly if there is a significant amount in dispute. Taking legal proceedings can be expensive, and it is important that if you are engaging a lawyer to assist with this process that you request and estimate of:

- costs for the proceedings (including lawyers costs, court fees and other costs)
- and time to resolve the matter through settlement, or the full Court process.

If you want to invoke the Building Act's implied warranties you will have to take the matter to the District Court or High Court, depending on the value of the work.

You can also end up in a court if you are named as party to a dispute. Other people can cite you as a party and you may be liable for costs.

In any instance where court is a possibility seek legal advice.

[Courts information \(http://www.justice.govt.nz/courts\)](http://www.justice.govt.nz/courts) is on the Ministry of Justice website.

any matter to which the information relates according to the circumstances of the particular case. Expert advice may be required in specific circumstances. Where this information relates to assisting people:

- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weathertight Services claim, it is published under section 12 of the Weathertight Homes Resolution Services Act 2006.