



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

District Court

[2023] NZDT 300

**APPLICANT** ND

**RESPONDENT** KS

**The Tribunal orders:**

KS has acknowledged that ND is the rightful owner of the two kittens known by them as [kittens].

**Reasons:**

1. ND and KS live in neighbouring units at a property at [Address]. Late last year, a litter of five kittens was discovered at the property. The parties agreed that ND would keep two of the kittens, [kittens]. ND had both kittens neutered at a cost of \$110.00, supplied them with food, and kept them indoors for the first few months. However, in March this year, the kittens stopped returning home overnight and for food for a couple of weeks. They later returned, but ND believes that KS has been feeding them, giving them flea treatment, and letting them into her unit.
2. ND seeks the Tribunal's help in stopping this. I have explained that, although the torts of trespass to goods or conversion could potentially apply if someone deliberately feeds and cares for another's pets, the Tribunal is limited in the types of orders it can make and cannot generally grant injunctive relief. For example, the Tribunal cannot order KS to keep her door shut or to stop putting food where [kittens] can access it. If KS were to cause harm to the kittens, such as if a flea treatment caused a problem requiring veterinary treatment, then there might be an action for damages, but that has not happened.
3. KS says that she is looking after some other feral or stray cats, so leaves cat food for them and has her door open. She denies deliberately luring ND' kittens to her unit or feeding them. There is no evidence that the kittens have been harmed by anything KS has done, so no damages can be awarded or are being sought.
4. The Tribunal can make an order for delivery of specific property, but KS is not detaining the kittens, so I have simply noted that KS acknowledges the kittens belong to ND.

**Referee: E Paton-Simpson**

**Date: 18 July 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 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>.