

Decision No: Ch 18 /89
M.V.D. No: 69/89

IN THE MATTER of the Motor Vehicle
Dealers Act 1975

AND

IN THE MATTER of a dispute

BETWEEN [REDACTED]

Purchaser

AND [REDACTED]

Dealer

BEFORE THE CHRISTCHURCH MOTOR VEHICLE DISPUTES TRIBUNAL

Mr J.G. Matthews - Chairman
Mr H.G. Hunt
Mr A.T.F. Beere

HEARING at CHRISTCHURCH on the 23rd day of May 1989

APPEARANCES

[REDACTED] - in person
[REDACTED] - for the dealer

INTERIM DECISION

[REDACTED] bought a 1970 Capri from the dealer on 10 April 1988 for \$9,495.00. It was a category D vehicle. It had been repowered with a Rover 3500 V8 alloy motor. [REDACTED] complaint specifically related to the condition of the motor though it became apparent during the hearing that he had also experienced difficulties with the differential and the gearbox.

During the hearing we adjourned briefly because it seemed that the ambit of the purchaser's complaint was really wider than he had said and we wanted to take the opportunity of giving the dealer the chance of an adjournment if he sought one so that he could answer the rather wider issues which had become apparent. To that end we returned to the hearing and gave the parties our decision on that aspect of the matter, and that is fully recorded in a minute which was taken down at the time. It is not necessary for us to repeat that minute now.

The arrangement that was made with the parties was that we would proceed to hear the purchaser's evidence in full today and we did that at some considerable length. The intention was that the

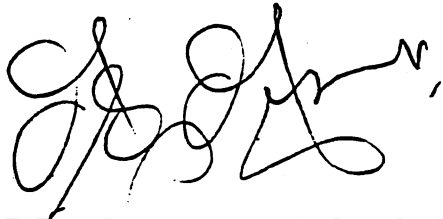
matter would be adjourned at the hearing and we would hear the dealer's side of the matter on another date to be arranged shortly.

However, when we reached the end of the purchaser's evidence and adjourned, the parties indicated to us that they wished to negotiate towards settlement. We have since been advised by the dealer that a suitable form of settlement has been agreed to by them. In this circumstance the appropriate course would be for us to dismiss the complaint. However, we are not prepared to do that until we have a written instruction to that effect from both the purchaser and the dealer. We therefore issue this interim decision and send it to both parties on the following basis:

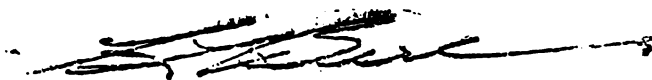
- (a) If settlement has been reached the parties are to counter-sign the portion of this decision which appears below, and return it to us by 30 May 1989 at the latest, or
- (b) If a settlement has not been reached we are to be advised by 30 May 1989 at the latest, and we will re-convene the hearing on either 1st or 2nd June, depending on the Tribunal's schedules for those hearing days.

We stress the urgency of this because one of our members will be travelling overseas and this matter must be disposed of before then.

DATED at CHRISTCHURCH this 23rd day of May 1989.



H.G. Hunt



A.T.F. Beere