

Hire & Damages

Hire Company Pty Ltd

Claimant

Small Business Pty Ltd

Defendant

1. The Claimant is a company.
2. The Defendant is a company.
3. On or about 2 January 2019 the Claimant and the Defendant entered into a written hire agreement.
4. The terms of the Agreement included the following:
 - (a) The Claimant would hire a 2019 Isuzu FVZ260-300 water truck (“Water Truck”) to the Defendant from 1 January 2019 to 31 January 2019.
 - (b) The Defendants would pay the Claimant \$100.00 per day plus GST for the Hire of the Water Truck until the Water Truck was returned in good working order to the Claimant.
 - (c) The Defendant would use and store the Water Truck safely until it was returned to the Claimant.
 - (d) The Defendant would pay for any damage to the Water Truck whilst on hire to the Defendant.
5. The Claimant hired the Water Truck to the Defendant from 1 January 2019 to 31 January 2019.
6. On 1 February 2019 the Claimant issued invoice 1 to the Defendants in the sum of \$3,410.00:

Hire Charges	\$3,100.00
GST	<u>\$310.00</u>
TOTAL	\$3,410.00

7. In addition, in breach of the term of the Agreement set out in paragraph 4(d) of the Statement of Claim, the Defendant failed to use the Water Truck safely and the Water Truck was damaged during the period of hire:

- (a) a smashed left hand side window; and
- (b) a bent left hand side door.

8. As a consequence, the Defendant has suffered loss and damage in the sum of \$2,200.00:

Replace smashed left hand side window	\$200.00
Panel beating work on left hand side door	\$1,000.00
Lost hire charges during repairs (10 days)	<u>\$1,000.00</u>
Total	\$2,200.00

9. Despite an email demand sent on 5 April 2019 the Defendant has not paid the Claimant the sum of \$5,610.00 or any amount.

The Claimant claims the following:

- A. \$3,410.00;
- B. Damages in the sum of \$2,200.00
- C. interest on the sum of \$5,610.00 at 6% per annum pursuant to section 12 of the *Magistrates Court (Civil Proceedings) Act 2004* from 31 January 2019 to the date of payment;
- D. allowable costs.