

IN THE SUPREME COURT OF NEW ZEALAND

**SC 29/2006
[2006] NZSC 36**

BETWEEN BRETT RONALD LARSEN
Appellant

AND RICK DEES LIMITED
Respondent

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: D K Wilson for Appellant
D A Wood for Respondent

Judgment: 2 June 2006

JUDGMENT OF THE COURT

- A. Leave to appeal is granted.**
- B. The approved grounds are:**
 - 1. Whether electronic funds transfer was a method of settlement available to the purchaser on 5 March 2004? and**
 - 2. Whether payment was tendered by the purchaser by 5pm on that day notwithstanding that the vendor did not receive the fax notification of the funds transfer until after that time?**

Solicitors:
Turner Hopkins, Takapuna for Appellant
Jenny Wang & Associates, Auckland for Respondent