

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 117
5431718

BETWEEN RICHARD LINTON
Applicant

A N D ANYTIME ALUMINIUM
WINDOWS & DOORS
SERVICES LIMITED
Respondent

Member of Authority: Rachel Larmer

Representatives: Dave Vinnicombe, Advocate for Applicant
Uday Sen, Director of Respondent

Investigation Meeting: On papers

Submissions: 13 February 2014 from Applicant
No submissions from Respondent

Date of Determination: 02 April 2014

DETERMINATION OF THE AUTHORITY

A Anytime Aluminium Windows & Doors Services Limited (Anytime Aluminium) is ordered to pay Mr Linton:

(a) \$1,750 costs;

(b) \$71.56 for the filing fee.

Employment relationship problem

[1] In a determination dated 31 January 2014 the Authority held that Anytime Aluminium's dismissal of Mr Linton was unjustified.¹ As the successful party Mr

¹ [2014] NZERA Auckland 35.

Linton is entitled to a contribution towards his actual costs. The parties were encouraged to resolve costs by agreement but that has not occurred.

[2] I am satisfied from the invoice filed with the Authority that Mr Linton has incurred actual costs in excess of \$4,000. Mr Linton seeks a costs award of \$1,750 plus reimbursement of his filing fee. Anytime Aluminium has not filed any costs submissions.

[3] This matter involved a half day investigation meeting. Adopting the Authority's usual notional daily tariff based approach to costs, the notional starting point for assessing costs in this matter is \$1,750 (being half of the current notional daily tariff of \$3,500).

[4] I turn now to consider any factors which should result in the notional starting tariff being adjusted. Neither party identified any factors which should result in adjustments and I am not aware of any. I therefore consider this to be a matter in which it is appropriate to adopt the notional daily tariff without adjustment.

Orders

[5] Anytime Aluminium is ordered to pay Mr Linton within 28 days of the date of this determination \$1,750 towards his actual costs together with \$71.56 to reimburse his filing fee.

Rachel Larmer
Member of the Employment Relations Authority