

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2015] NZERA Auckland 280
5521707

BETWEEN HEATHER TAIT
Applicant

AND RITCHIE ROBIN and ALLAN
SHERSON TRADING AS
SILVER BIRCH HOLIDAY
PARK AND MOTEL
Respondent

Member of Authority: Vicki Campbell

Representatives: Warwick Reid for Applicant
Respondent in person

Submissions received: 31 August 2015 from Applicant
14 September 2015 from Respondent

Determination: 17 September 2015

COSTS DETERMINATION OF THE AUTHORITY

A. Ritchie Robin and Allan Sherson trading as Silver Birch Holiday Park and Motel are ordered to pay Ms Tait the sum of \$1,571.56 within 14 days of the date of this determination.

[1] In a determination dated 10 August 2015¹ I held Ms Tait was unjustifiably dismissed, but did not award any remedies on the basis that Ms Tait had failed to mitigate her loss and evidence was not available to the Authority to enable it to award compensation.

[2] I reserved costs, indicating that if the parties were unable to resolve that issue, both parties would have the opportunity to file cost memoranda and evidence. These have now been received by the Authority for consideration.

¹ [2015] NZERA Auckland 239.

[3] Mr Reid has submitted that Ms Tait incurred costs in the total sum of \$3,071.56 which includes the filing fee on her application.

[4] The discretion to award costs, while broad, is to be exercised in a principled way. The primary principle is that costs follow the event.

Determination of costs

[5] Under normal circumstances the Authority would apply a starting point of a notional daily tariff for quantifying costs. The Authority has been provided with evidence that Ms Tait incurred costs of \$3,071.56. The investigation meeting took less than one day.

[6] The effect of the daily tariff approach to costs fixing in the Authority would require a payment by Ms Robin and Mr Sherson to Ms Tait of \$1,750.00. This matter was dealt with in less than a day of hearing time and there is nothing in the material before me that would justify either a reduction in the daily tariff or indeed an increase in it.

[7] Accordingly I order Ritchie Robin and Allan Sherson trading as Silver Birch Holiday Park and Motel to pay Ms Tait the sum of \$1,571.56 within 14 days of the date of this determination.

Vicki Campbell
Member of the Employment Relations Authority