

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKĀURĀU ROHE**

[2024] NZERA 18  
3199080

BETWEEN	SUKHPREET WALIA SINGH Applicant
AND	AYDEN TRADING LIMITED First Respondent
AND	BETHANY URE Second Respondent

Member of Authority: Sarah Kennedy-Martin

Representatives: Tobias Tohill and Keira McGregor, advocates for the Applicant  
No appearance by the Respondents

Submissions Received: 6 December 2023 from the Applicant

Date of Determination: 15 January 2024

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] In a determination dated 22 November 2023 I found that Sukhpreet Singh was successful in his claim for several unpaid statutory entitlements. The Authority reserved the issue of costs and the parties were encouraged to resolve the issue of costs between them.

[2] Neither Ayden Trading Limited (ATL) or Bethany Ure participated in the investigation meeting and there has been no response from them in relation to Mr Singh's application for costs.

## Costs

[3] Costs are a matter of discretion.<sup>1</sup> The discretion is to be exercised in accordance with principle and not arbitrarily. The main principle in the exercise of the discretion is that costs follow the event. If a party is successful, they will be entitled to an award of costs. The starting point for costs based on the Authority's daily tariff is \$4,500.00 for the first day. From that starting point the Authority can consider whether there are factors justifying an increase or decrease in costs.<sup>2</sup>

[4] Mr Singh has been represented on a pro bono basis. Relying on the Employment Court case of *Innovative Landscapes (2015) Ltd v Popkin*<sup>3</sup> it is submitted on Mr Singh's behalf that it would be appropriate to award costs in a case such as this. In the event costs are awarded it was noted that significant additional work was required of counsel to calculate wage and holiday arrears in the absence of wage and time records which the respondents did not provide.

[5] On that basis Mr Singh claims \$4,500.00 which is equivalent to the daily tariff for one day plus disbursements in the amount of \$21.94. The investigation meeting finished early and I consider that is appropriate to make an award for a full day acknowledging the additional work completed by counsel in the absence of any wage and holiday records.

## Order

[6] I order that Ayden Trading Limited and Bethany Ure pay Sukhpreet Singh costs in the amount of \$4,500.00, disbursements of \$21.94 and the filing fee of \$71.56 within 21 days of the date of this determination.

Sarah Kennedy-Martin  
Member of the Employment Relations Authority

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<sup>1</sup> Employment Relations Act 2000, schedule 2, clause 15.

<sup>2</sup> <https://www.era.govt.nz/determinations/awarding-costs-remedies/>

<sup>3</sup> *Innovative Landscapes (2015) Ltd v Popkin* [2020] NZEmpC 96