



Employment Court of New Zealand

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Best Health Foods Limited v Zhou [2021] NZEmpC 60 (30 April 2021)

Last Updated: 5 May 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2021\] NZEmpC 60](#)

EMPC 72/2021

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER	of an application for a stay of execution
BETWEEN	BEST HEALTH FOODS LIMITED Plaintiff
AND	YI ZHOU Defendant

Hearing: On the papers

Appearances: J Gu, agent for plaintiff
Y Zhou, defendant in person

Judgment: 30 April 2021

CONSENT JUDGMENT OF JUDGE K G SMITH

(Application for a stay of execution)

[1] On 1 February 2021 the Employment Relations Authority determined that Yi Zhou was unjustifiably dismissed by Best Health Foods Ltd.¹

[2] The Authority awarded Mr Zhou remedies of \$4,230.77 pursuant to [s 123\(1\)\(b\)](#) of the [Employment Relations Act 2000](#) (the Act), \$10,000 pursuant to [s 123\(1\)\(c\)\(i\)](#) of the Act and ordered the company to pay a contribution to his costs and disbursements of \$2,321.56. The combined total is \$16,552.33.

¹ *Zhou v Best Health Foods Ltd* [\[2021\] NZERA 35 \(Member Cheyne\)](#).

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[3] Best Health Foods challenged that determination as it relates to the remedies awarded by the Authority. Subsequently, it applied for a stay of execution of the determination pending the outcome of the proceeding. Conditions have been proposed on which that stay may be granted. Mr Zhou has consented to the stay on the basis of the proposed conditions.

[4] In those circumstances I am satisfied that the application can be granted. By consent I order that the Authority's determination of 1 February 2021 is stayed on the following conditions:

(a) The amount \$16,552.33 is to be paid to the Registrar of this Court in the following instalments:

(i) the sum of \$8,000 no later than **4 pm on 14 May 2021**; and

(ii) the balance of \$8,552.33 no later than **4 pm on 28 May 2021**;

(b) The money referred to in paragraphs [4](a)(i)–(ii) is to be held by the Registrar in an interest-bearing account and is not to be disbursed except by order of the Court.

[5] Costs are reserved.

K G Smith Judge

Judgment signed at 4.30 pm on 30 April 2021

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