

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 401
5515721

BETWEEN JAMES DENYER, LABOUR
INSPECTOR
Applicant

A N D RAJ DREAMLAND HOMES
LIMITED
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: James Denyer, Labour Inspector (Applicant)
No appearance for the Respondent

Investigation Meeting: On the papers

Date of Determination: 3 October 2014

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] On 7 July 2014, the Authority determined¹ that the respondent, Raj Dreamland Homes Limited (Dreamland Homes) had employed Mr Stephen De Vrije and owed him moneys claimed by the Labour Inspector being:

- (a) \$2,006.87 gross in outstanding wages;
- (b) \$264.55 gross in outstanding holiday pay.

[2] The Authority further ordered that Dreamland Homes pay the Labour Inspector costs of \$250 together with the filing fee of \$71.56.

¹ [2014] NZERA Auckland 286

[3] All sums were to be paid by Dreamland Homes to the Labour Inspector within 14 days of the date of the determination.

[4] On 25 August 2014 the Labour Inspector filed a statement of problem in the Authority seeking a compliance order that Dreamland Homes comply with the Authority's determination and seeking reimbursement of \$71.56 in respect of the filing fee.

[5] Dreamland Homes has failed to file a statement in reply and has failed to respond to correspondence from the Authority to it.

[6] On 19 September 2014, both parties were informed that the matter would be dealt with on the papers unless either party objected by 30 September 2014.

[7] No objection has been received by the Authority. I therefore determine this matter on the papers.

[8] I am satisfied that Dreamland Homes has not complied with the terms of the Authority's determination of 7 July 2014. Dreamland Homes is to pay the following sums to the Labour Inspector:

- (a) \$2,006.87 gross in outstanding wages for the use of Mr De Vrije;
- (b) \$264.55 gross in outstanding holiday pay for the use of Mr De Vrije;
- (c) \$71.56 being the filing fee in respect of the determination;
- (d) \$250 costs to the Labour Inspector.

Costs

[9] I further order that Dreamland Homes reimburse the Labour Inspector the \$71.56 filing fee in respect of this application for a compliance order.

[10] The above amounts are to be paid by Dreamland Homes to the Labour Inspector within 14 days of the date of this determination.

[11] For the information of Dreamland Homes, failure to comply with an order such as this one made by the Authority under s.137 of the Employment Relations Act

2000 may provide a basis for an application to be made by the Labour Inspector to the Employment Court for enforcement of the order.

Anna Fitzgibbon
Member of the Employment Relations Authority