



Employment Court of New Zealand

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Edwards v Recreational Services Limited [2020] NZEmpC 215 (4 December 2020)

Last Updated: 10 December 2020

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2020\] NZEmpC 215](#)

EMPC 384/2020

IN THE MATTER OF an application for leave to extend time to
 file a challenge to a determination of the
 Employment Relations Authority

BETWEEN THOMAS EDWARDS
 Applicant

AND RECREATIONAL SERVICES LIMITED
 Respondent

Hearing: On the papers

Appearances: P Moore, advocate for applicant
 G Pollak, counsel for
 respondent

Judgment: 4 December 2020

CONSENT JUDGMENT OF JUDGE K G SMITH

[1] On 4 August 2020 the Employment Relations Authority dismissed claims by Thomas Edwards that he had been unjustifiably dismissed by Recreational Services Ltd.¹ The Authority also dismissed his wage and holiday claims.²

[2] Mr Edwards challenged the determination and sought a full hearing of the entire matter. He sought findings that he was a permanent employee who had been unjustifiably dismissed together with financial remedies. Recreational Services has denied these claims.

1 *Edwards v Recreational Services Ltd* [\[2020\] NZERA 301 \(Member Loftus\)](#).

2 At [39].

THOMAS EDWARDS v RECREATIONAL SERVICES LIMITED [\[2020\] NZEmpC 215](#) [4 December 2020]

[3] After the challenge was filed the Authority issued a second determination dealing with costs arising from the investigation meeting.³ Having been unsuccessful, Mr Edwards was ordered to pay Recreational Services costs of \$3,500 no later than 4 pm on Wednesday 11 November 2020.

[4] The costs determination was not challenged within time.⁴ Mr Edwards has now applied for leave to extend the time to challenge the costs determination. The sole ground of the application was that a mistake had been made by his agent, Mr Moore, who wrongly believed that a successful challenge to the substantive determination would automatically result in the costs determination being set aside.

[5] Recreational Services has consented to the application. For that reason I am satisfied it can be allowed and time extended accordingly.

[6] The application is granted. A statement of claim is to be filed and served no later than **4 pm on Friday 11 December 2020**.

[7] Costs are reserved.

K G Smith Judge

Judgment signed at 9.30 am on 4 December 2020

3 *Edwards v Recreational Services Ltd* [\[2020\] NZERA 424 \(Member Loftus\)](#).

4 [Employment Relations Act 2000, s 179\(2\)](#).

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