

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2015] NZERA Auckland 334
5527645

BETWEEN EDWARD JAMES HORST
 Applicant

A N D SWIFT PROPERTY
 MAINTENANCE LIMITED
 Respondent

Member of Authority: TG Tetitaha

Representatives: J Ansell, Counsel for Applicant
 A Menzies, Respondent Director

Investigation Meeting: On the papers

Submissions: 29 July 2015 from Applicant
 No submissions from Respondent

Date of Determination: 22 October 2015

COSTS DETERMINATION OF THE AUTHORITY

A. Swift Property Maintenance Limited are ordered to pay Edward James Horst \$3,500 towards his actual legal costs.

Employment relationship problem

[1] The Authority in its written determination dated 27 July 2015¹ held that Edward James Horst was unjustifiably dismissed by Swift Property Maintenance Limited. The respondent company was ordered to pay Mr Horst wage arrears of \$2,307.69 gross, lost remuneration of \$1,615.60 and compensation of \$5,000.

[2] The applicant/ now applies for costs at the Authority's notional daily tariff.

¹ *Horst v Swift Property Maintenance Ltd* [2015]

[3] The correct approach to assessing costs in this matter is for the Authority to adopt its usual notional daily tariff based approach to costs.² The current notional daily tariff is \$3,500. This matter involved a one day investigation meeting. The starting point for assessing costs is therefore \$3,500.

[4] Mr Horst's actual costs were \$5,175.00 GST inclusive. There are no factors warranting any adjustment to the notional daily tariff.

[5] Swift Property Maintenance Limited are ordered to pay Edward James Horst \$3,500 towards his actual legal costs.

TG Tetitaha
Member of the Employment Relations Authority

² *Mattingly v Strata Title Management Ltd* [2014] NZEMPC 15 at [16]