

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2015] NZERA Auckland 55
5463646

BETWEEN

BRETT TODD
Applicant

A N D

OPA ARCHITECTS LIMITED
Respondent

Member of Authority: James Crichton

Representatives: Helen White, Counsel for the Applicant
Lin Zhu, Advocate for the Respondent

Submissions Received: 22 December 2014 from the Applicant
20 January 2015 from the Respondent

Date of Determination: 23 February 2015

COSTS DETERMINATION OF THE AUTHORITY

The substantive determination

[1] In my substantive determination, issued as [2014] NZERA Auckland 501 and dated 5 December 2014, I found for the applicant (Mr Todd).

[2] Costs were reserved.

The claim for costs

[3] Mr Todd seeks a contribution to his costs from the respondent (OPA) fixed in accordance with the Authority's daily tariff approach.

The response

[4] OPA accepts its liability to contribute to Mr Todd's costs and calculates that at \$875 being 25% of the daily tariff rate of \$3,500.

Determination

[5] Neither party approached the issue of costs with elaborate submissions. The brevity of the submissions filed, given the lack of complexity of the matter is, frankly, welcome.

[6] Both parties accept that costs are due by the unsuccessful party, and both parties accept that the daily tariff rate is the appropriate starting point. The only dispute is as to quantum.

[7] I direct that OPA is to pay to Mr Todd the sum of \$1,750 as a contribution to his costs. Despite OPA proposing a lesser figure based on the elapsed time for the investigation meeting, I am satisfied that the higher figure I identify properly contributes to Mr Todd's actual legal costs in successfully prosecuting his case.

James Crichton
Member of the Employment Relations Authority