

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 358A/09  
5144655

BETWEEN                      ZHANPING YANG  
   Applicant  
  
AND                                L E BUILDERS LIMITED  
   Respondent

Member of Authority:        Dzintra King  
  
Memoranda received:        No submissions from Applicant  
   23 October 2009 from Respondent  
  
Determination:                17 December 2009

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     The applicant, Mr Zhanping Yang, was unsuccessful in his claim that he was an employee.    The parties have been unable to agree costs.    The respondent now seeks costs.

[2]     The respondent has incurred costs of \$3,579.75 of which \$800 was for two hours' attendance at mediation.    The \$800 is to be deducted from the total leaving an amount of \$2,779.75.

[3]     The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

[4]     The respondent is entitled to a reasonable contribution to its reasonably incurred costs.    The applicant is to pay the respondent the sum of \$2,000.

Dzintra King  
Member of the Employment Relations Authority