

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2015] NZERA Christchurch 142
5545853
5546273

BETWEEN BERNARD McINTYRE
Applicant in 5545853
Respondent in 5546273

A N D TTR AUTOMOTIVE LIMITED
t/a PIT STOP NELSON
Respondent in 5545853
Applicant in 5546273

Member of Authority: Helen Doyle

Representatives: Luke Acland, Counsel for the Applicant
Maree Kirk, Counsel for the Respondent

Emails received: August and September 2015

Date of Determination: 28 September 2015

DETERMINATION OF THE AUTHORITY

[1] In my costs determination dated 21 August 2015, I ordered the respondent TTR Automotive Limited t/a Pit Stop Nelson to pay to the applicant the sum of \$1,238.23 costs and reimbursement of the filing fee of \$71.56.

[2] Ms Kirk had asked for payment of costs to be by way of monthly instalment and I had in the first instance in the determination suggested she confer with Mr Acland about a proposed instalment amount. I reserved leave for Ms Kirk to come back to the Authority if there were difficulties in reaching agreement about a suitable amount each month.

[3] I have now received a number of emails between the parties about the payment of the costs and disbursements by way of instalment. The last offer was for \$200 per

month and was not acceptable to the applicant. Ms Kirk has also provided details of the current accounts for the respondent although the available funds on the flexibility facility were not able to be viewed as the account is in overdraft.

[4] I do accept that there are difficulties for the respondent with its cash flow situation. Given the paucity of information available though as to the respondent's financial situation I am not minded to order payment by instalments for a period beyond four months commencing with the date on which the determination is made.

[5] The total amount owing for costs and the filing fee is \$1,309.80. A month has already passed since the costs determination was issued. It is fair and reasonable that payment of the amount owing is made in full by 21 December 2015. That is a monthly sum of \$327.44. Payments of that sum are to be made as follows:

- (a) 2 October 2015: \$327.45;
- (b) 21 October 2015: \$327.45;
- (c) 21 November 2015: \$327.45; and
- (d) 21 December 2015: \$327.45.

[6] Failure to make payment of these amounts by the due dates will result in the full amount becoming due and owing.

Helen Doyle
Member of the Employment Relations Authority