

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2015] NZERA Christchurch 182
5453292

BETWEEN DIANE LYNETTE SAMPSON
Applicant

A N D PREBBLETON VETERINARY
HOSPITAL (2009) LIMITED
Respondent

Member of Authority: M B Loftus

Representatives: Darline Ewing-Jarvie, Advocate for Applicant
Raewyn Gibson, Advocate for Respondent

Submissions Received: 2 November 2015 from Respondent
Nil from Applicant

Date of Determination: 23 November 2015

COSTS DETERMINATION OF THE AUTHORITY

[1] On 12 October 2015 I issued a determination concluding Ms Sampson was unable to establish she had, as claimed, been constructively dismissed by the respondent, Prebbleton Veterinary Hospital (2009) Limited (Prebbleton Vets).¹

[2] Costs were reserved and Prebbleton Vets, as the successful party, now seeks a contribution toward its costs which, while reasonable, are significant.

[3] Normally the Authority will use a daily tariff approach when addressing a costs claim.² The normal starting point is \$3,500 per day and from there adjustment may be made depending on the circumstances.

[4] The investigation took a day so, applying the above tariff, a contribution of \$3,500 would be appropriate.

¹ [2015] NZERA Christchurch 149

² *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] ERNZ 808

[5] Prebbleton Vets seeks more. In support of its claim Prebbleton Vets submits *the circumstances surrounding this hearing and the basis upon which the applicant chose to pursue her case warrant the Authority uplifting the current notional daily rate.*

[6] The claim there be an uplift is not pursued with vigour and there is no opposing argument.

[7] There is not, in my view and having considered the papers proffered, the substantive decision and my notes of preceding telephone conferences, anything that supports an argument I divert from the now normally accepted approach: costs follow the event, a daily rate shall apply and the currently accepted rate of \$3,500 per day is appropriate.

[8] Accordingly I order Ms Sampson pay Prebbleton Veterinary Hospital (2009) Limited the sum of \$3,500 (three thousand, five hundred dollars) as a contribution toward the costs it incurred defending Ms Sampson's claims.

M B Loftus
Member of the Employment Relations Authority