

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**[2011] NZERA AUCKLAND 284
5343984**

BETWEEN	GRAHAM WILLCOX Applicant
AND	TOPOL INVESTMENTS LIMITED t/a RICHARDS ON HINEMOA Respondent

Member of Authority:	Eleanor Robinson
Representatives:	Applicant in person No appearance for Respondent
Investigation Meeting:	1 July 2011 at Auckland by telephone conference
Determination:	1 July 2011

DETERMINATION OF THE AUTHORITY

Application for a Compliance Order

[1] The Respondent, Topol Investments Limited t/a Richards On Hinemoa (“Topol”) asked the Applicant, Mr Graham Willcox, to leave the premises of Richards On Hinemoa on 10 December 2010.

[2] On 25 January 2011 the parties met and agreed to settle the outstanding wages and holiday pay owed to Mr Willcox. The amount which was agreed to be paid to Mr Willcox was \$2,117.66, which figure represented Mr Willcox’s outstanding wages and holiday pay for the period ended 27 January 2011. Following deduction of PAYE the amount owed was \$1550.29.

[3] Mr Willcox’s understanding was that this payment would be made immediately.

[4] On 15 February 2011 the sum of \$300.00 was paid directly into Mr Willcox’s bank account by Topol, but since that date Mr Willcox has not received the remainder of the agreed amount.

[5] The issue which had been brought before the Authority by Mr Willcox was that Topol had not complied in full with the agreed settlement, leaving an outstanding amount of \$1,250.29 owing to Mr Willcox.

[6] The Authority set a hearing date of 1 July 2011, which was communicated to the parties by a Notice of Investigation Meeting. There was no appearance for Topol at the Investigation Meeting

Determination

[7] Topol, by way of a Statement in Reply, confirmed that it had agreed to pay Mr Willcox's outstanding wages and holiday pay.

[8] From the evidence available to the Authority, I am satisfied that Topol has failed to comply with the agreed settlement which had been reached by the parties.

[9] **In order to effect compliance with the agreed settlement, I therefore order Topol to pay Mr Willcox, no later than 14 days from the date of this determination, the sum of \$1,250.29 pursuant to s 123 (1)(b) the Employment Relations Act 2000.**

[10] Mr Willcox wishes to recover the \$71.56 filing fee paid on his application. Topol is ordered to pay that amount of \$71.56, in addition to the sum of \$1,250.29.

Costs

[11] As Mr Willcox represented himself there is no order for costs

Eleanor Robinson
Member of the Employment Relations Authority