

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA659/2015
CA674/2015
[2016] NZCA 314**

BETWEEN SAMIR SAAD
 Applicant

AND GARY MCIVOR
 Respondent

Hearing: 4 July 2016

Court: Harrison, French and Cooper JJ

Counsel: Applicant in person and M Saad as McKenzie Friend
 Respondent in person and M Moncur as McKenzie Friend

Judgment: 7 July 2016 at 10.00 am

JUDGMENT OF THE COURT

The applications for an extension of time to seek leave under s 214 of the Employment Relations Act 2000 are declined.

REASONS OF THE COURT

(Given by French J)

[1] Mr Saad seeks leave to appeal two decisions of the Employment Court under s 214 of the Employment Relations Act 2000.

[2] In the first decision Chief Judge Colgan found that Mr Saad had constructively dismissed the respondent, Mr McIvor, and ordered Mr Saad to pay

loss of remuneration, compensation and a penalty.¹ In the second decision the Judge awarded costs in favour of Mr McIvor in relation to both the Employment Court proceeding and an earlier proceeding in the Employment Relations Authority.²

[3] The applications for leave to appeal in respect of both decisions were filed out of time, requiring applications for an extension of time.³

[4] The period of delay in filing the respective applications for leave was not significant and we accept there was some confusion about the time limits. Mr Saad is self-represented.

[5] However, the applications suffer from a more fundamental defect and that is that none of the proposed grounds of appeal satisfies the prerequisites for granting leave under s 214. None raises questions of law and none raises questions of general or public importance. All the proposed grounds are very much case-specific. They relate to factual findings and the Chief Judge's analysis of the evidence.

[6] It follows that, even if the applications for leave had been filed in time, they would not have any prospect of success.

[7] The applications for an extension of time are accordingly declined.

¹ *McIvor v Saad* [2015] NZEmpC 145.

² *McIvor v Saad* [2015] NZEmpC 174.

³ Court of Appeal (Civil) Rules 2005, r 29A.