

**IN THE DISTRICT COURT
AT WAITAKERE**

**CIV-2017-090-001888
[2018] NZDC 8888**

BETWEEN AN LI TAO
Appellant

AND BODY CORPORATE 198693
Respondent

Hearing: 3 May 2018

Appearances: An Li Tao in Person
Mr Muir for the Respondent

Judgment: 22 May 2018

RESERVED JUDGMENT OF JUDGE J JELAS

[1] The appellant opposes an application for an order to pay security for costs pursuant to r 18.3 of the District Court Rules 2014. Security for costs are to be fixed unless I consider it is in the interest of justice that no security is required.

[2] Ms Tao submits her appeal is supported by good grounds. She emphasises an order securing costs would effectively thwart her ability to pursue the appeal as her finances are dire. She is presently struggling to re-mortgage the home to meet other financial commitments. Ms Tao is not legally aided.

[3] I consider an application for security for costs should be made. Ms Tao has a well-documented history of making unmeritorious claims, taking unnecessary steps and needlessly prolonging proceedings.¹ I have considered the decision the appeal is based upon. From my initial reading of the decision appealed from and the grounds of appeal advanced, there is a real risk that Ms Tao's approach to the appeal is not dissimilar to past proceedings that she has been a party to.

¹ *An Li Tao v Strata Title Administration Limited & Others* [2016] NZHC 1821 AT 31-32.

[4] In addition, previous costs awards made against Ms Tao² remain unpaid and enforcement action has been resorted to.³ While I accept an order security for costs will most likely have the effect of preventing Ms Tao proceeding with this appeal. The respondents are entitled to some assurance that in the event the appeal is unsuccessful their costs can be met. The appellant is presently unable to give that assurance.

[5] The respondent's application for security of costs is granted. The appellant is ordered to pay to the registry, no later than 20 working days after this issue of this decision, \$890. That sum is the sum calculated by me being the amount for securing costs for a half day fixture, category 2 proceeding. Due to the appellant's financial difficulties, a longer time frame for securing costs has been directed.

[6] If security is not paid within the time required the respondent may apply for an order dismissing the appeal.⁴

J Jelas
District Court Judge

² Ibid.

³ *An Li Tao v Strata Title Administration Limited & Others* [2018] NZHC 848.

⁴ Rule 18.13(4) District Court Rules.