

**McLeod v Housing New Zealand Corporation Ltd 9/10/02, Randerson J, HC
Auckland M256/02**

Unsuccessful application to waive security for costs - unsuccessful application to stay proceedings - HNZ took possession of M's rented property after Tenancy Tribunal made order for termination of tenancy - chattels and other items of M's were recovered from home by HNZ who advised they could be uplifted - M filed for relief on the grounds reclamation was unlawful, however it was found there was no possible basis on which M could contend termination orders were invalid - M filed appeal and applied to waive security for costs - M applied for stay of proceedings relating to disposal of her chattels.

Held, discretion to waive security for costs should only be exercised in exceptional circumstances, but fact M is impecunious is not necessarily sufficient - all issues M wishes to raise on appeal have been dealt with in previous judgments, therefore Court is satisfied any appeal would not succeed - HNZ should not be put to cost of resisting any appeal without appropriate security, and if M wishes to pursue matters she must realise there will be costs in doing so - there is no need for stay of proceedings as HNZ has stipulated M may uplift her possessions, also, the matter is outside realm of these proceedings - security for costs on appeal are fixed at \$5,000 - applications dismissed