

Citation: Beach Place Ventures Ltd. and Black Top Cabs Ltd. (Re)
2020 BCEST 67

An appeal

- by -

Beach Place Ventures Ltd. and Black Top Cabs Ltd.
(the “Appellants”)

- of a Determination issued by -

The Director of Employment Standards

pursuant to section 112 of the
Employment Standards Act R.S.B.C. 1996, C.113 (as amended)

PANEL: David B. Stevenson

FILE NO.: 2018A/041

DATE OF DECISION: June 16, 2020

DECISION

SUBMISSIONS

Mary Walsh

delegate of the Director of Employment Standards

OVERVIEW

1. On March 15, 2019, this panel of the Tribunal issued a decision on an appeal by Beach Place Ventures Ltd. and Black Top Cabs Ltd. (the “Appellants”) of a Determination of the Director. The decision confirmed all aspects of the Determination except a finding made under section 21 of the *Employment Standards Act* (the “ESA”) that the complainants’ vehicle lease and rental costs were recoverable business costs under that provision and the monetary calculations relating to that finding.
2. That portion of the Determination was cancelled in the decision and the matter referred back to the Director to recalculate wages and interest payable to the complainants.
3. The Director engaged in a recalculation of the wages owed to the complainants affected by the referral back. The Appellants and the affected complainants were included in the recalculation process. Those parties provided submissions, or expressed their position, on the recalculated amounts.
4. The Director has completed the recalculation of wages and submitted it to the Tribunal.
5. In correspondence dated April 8, 2020, the Tribunal acknowledged receipt of the submission, provided a copy of the submission to the Appellants and each of the affected complainants and provided each with an opportunity to agree or disagree with the recalculated wages and interest.
6. None of the Appellants or the affected complainants have made any submission to the Tribunal on the Director’s recalculations.

ANALYSIS

7. The recalculation applied to two of the three complainants, Mr. Ali Abadi-Asbfroushani and Mr. Arash Karimian Azimi Saraf. The other complainant has settled all matters to which the ESA applied and a recalculation relating to his circumstances was unnecessary.
8. The Director recalculated the amount owing to Mr. Ali Abadi-Asbfroushani to be \$50,504.13 and the amount owing to Mr. Arash Karimian Azimi Saraf to be \$3,152.20.
9. As indicated above, none of the parties have made any submission on the recalculations. Being undisputed, I accept the recalculations of wages owed to the above two complainants as correct.

ORDER

10. Pursuant to section 115 of the *ESA*, I order the Determination dated March 29, 2018, be varied to show the wages and interest owing to Mr. Ali Abadi-Asbfroushani to be \$50,504.13 and the wages and interest owing to Mr. Arash Karimian Azimi Saraf to be \$3,152.20 and those amounts be confirmed in this appeal.
11. While it is probably unnecessary, I will add that the variance recorded in this decision does not affect any other part of the Determination or the appeal decision.

David B. Stevenson
Member
Employment Standards Tribunal