

EMPLOYMENT STANDARDS TRIBUNAL

An appeal

- by -

Bella C. Saville
(the “Complainant”)

- of a Determination issued by -

The Director of Employment Standards
(the “Director”)

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

PANEL: Allison Tremblay

FILE NO.: 2019/185

DATE OF DECISION: July 22, 2020

DECISION

SUBMISSIONS

Bella C. Saville	on her own behalf
May Lee	on behalf of the Director of Employment Standards

OVERVIEW

1. Pursuant to section 112 of the *Employment Standards Act* (the “ESA”), Bella C. Saville (the Complainant) filed an appeal of the October 3, 2019 determination (the “Determination”) of a delegate (the “Delegate”) of the Director of Employment Standards (the “Director”). The Determination found that the Complainant filed her complaint after the expiration of the six-month time limit for complaints set by section 74(3) of the *ESA* and dismissed the complaint.
2. On April 8, 2020, in 2020 BCEST 35, I referred this file back to the Director for further investigation.
3. The Delegate completed the additional investigation and determined based on that investigation that the complaint was filed within the six-month time limit. The Delegate and the Complainant now agree the Determination should be cancelled and the complaint should proceed.
4. The jurisdiction to cancel the Determination rests with the Tribunal.

ORDER

5. Pursuant to section 115 of the *ESA*, I allow the appeal, cancel the Determination, and refer the matter back to the Director for adjudication on its merits.

Allison Tremblay
Member
Employment Standards Tribunal