



Citation: The Dayton Boots Company Ltd. and Eric Hutchingame (Re)
2022 BCEST 45

EMPLOYMENT STANDARDS TRIBUNAL

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

- by -

The Dayton Boots Company Ltd. and Eric Hutchingame

- of Determinations issued by -

The Director of Employment Standards

PANEL: David B. Stevenson

FILE NOS.: 2021/084 and 2021/085

DATE OF DECISION: July 13, 2022

DECISION

SUBMISSIONS

Tara MacCarron	delegate of the Director of Employment Standards
Nazeer T. Mitha, QC	counsel for The Dayton Boots Company Ltd. and Eric Hutchingame

OVERVIEW

1. On June 1, 2022, this panel of the Tribunal issued a decision, Tribunal decision number 2022 BCEST 29, on appeals by The Dayton Boots Company Ltd. and Eric Hutchingame (the “Appellants”) cancelling that part of each of the Determinations relating to wages found owing to persons who were identified by the Appellants as persons residing and performing work outside of the province.
2. The matter was referred back to the Director of Employment Standards (the “Director”) to recalculate wages owing under each Determination.
3. The Director has performed the recalculations and submitted the results to this panel of the Tribunal.
4. The Tribunal, in correspondence dated June 16, 2022, invited the Appellants and each of the individual Respondents for whom the Tribunal has contact information and who have not indicated they no longer wish to participate in the proceedings to make submissions on the recalculations.
5. The Tribunal has received a submission on behalf of the Appellants. No submission has been received from any individual Respondent.
6. The Appellants, while continuing to express disagreement with the calculations made in the Determinations, do not dispute the recalculation amounts.
7. Accordingly, I accept the recalculation made and the resulting amounts for each Determination.

ORDER

8. Pursuant to section 115 of the *ESA*, I order the Determinations, both dated September 10, 2021, be varied to show the amount of wages owed by The Dayton Boots Company Ltd. to be \$484,995.33 and the amount of wages owed by Eric Hutchingame to be \$446,472.40, together with whatever interest has accrued on those amounts under section 88 of the *ESA*.

David B. Stevenson
Member
Employment Standards Tribunal