

EMPLOYMENT STANDARDS TRIBUNAL

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

- by -

Ray Torresan

- of a Determination issued by -

The Director of Employment Standards

**PANEL:** Carol L. Roberts

**FILE NO.:** 2022/095

**DATE OF DECISION:** August 11, 2022

## DECISION

### SUBMISSIONS

Jennifer Redekop

delegate of the Director of Employment Standards

### OVERVIEW

1. Ray Torresan (the “Appellant”) appealed two determinations of a delegate of the Director of Employment Standards (the “Director”). In the December 31, 2020 determination, the Director found that three corporate entities (the “Companies”) owed a former employee wages. In the February 19, 2021, determination, the Director found that as the Appellant was a director of one of the three related companies, he was personally liable for unpaid wages.
2. While finding no basis to interfere with the December 31, 2020, determination finding that the Companies owed the former employee wages, in Tribunal Decision *Ray Torresan* 2022 BCEST 35, I found that the Appellant was not a director of any of the Companies after October 11, 2018, and was thus not personally liable for unpaid wages after that time.
3. As I was unable to determine the amount of the Appellant’s personal liability, I referred the calculation of wages unpaid up to the date of the Appellant’s resignation on October 11, 2018, back to the delegate for reconsideration. (*Ray Torresan, supra*)

### THE REFER BACK REPORT

4. The Director’s delegate calculated the amount of unpaid wages up to October 11, 2018 and provided the Appellant and the former employee with her calculations and invited a response.
5. On July 19, 2022, after receiving no response from either party, the delegate issued a report calculating the Appellant’s liability to be \$1,975.64 plus interest. The Director’s delegate noted that the Director collected \$456.49 from the Appellant and that this amount was being held in the Director’s trust account.
6. The Tribunal sought submissions from the parties on the Director’s July 19, 2022 referral back report. The Appellant advised the Tribunal they had nothing to add to the report and the former employee did not make any submission in response to the referral back report.
7. I have reviewed the Director’s recalculation of the Appellant’s personal liability for unpaid wages and confirm the same.

**ORDER**

8. Pursuant to section 115(1)(a) of the *Employment Standards Act*, I vary the Determination, dated February 19, 2021, and find the Appellant is liable for wages owing in the amount of \$1,975.64 plus accrued interest.

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**Carol L. Roberts**  
**Member**  
**Employment Standards Tribunal**