

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act S.B.C. 1995, C. 38

- by -

Paragon Properties Inc. and Paragon Realty Corporation

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: E. Casey McCabe

FILE NO.: 96/512

DATE OF HEARING: January 6, 1997

DATE OF DECISION: January 6, 1997

DECISION

APPEARANCES

Mr. A. Marchi and	for Paragon Properties
Mrs. V. March	and Paragon Reality Corporation
Mrs. D. Mielke	for herself

OVERVIEW

This is an appeal by Paragon Properties Inc. and Paragon Reality Corporation pursuant to Section 112 of the *Employment Standards Act* (the “*Act*”), against Determination Nos. CDET 003637 and CDET 004948 of the Director of Employment Standards (the “*Director*”), issued on August 9, 1996 as amended September 5, 1996 and December 11, 1996 respectively. In these appeals the employer claims that neither vacation pay nor compensation (termination) pay is owing and that the two companies are not common employers for the purposes of Section 95 of the *Act*.

The hearing was convened at 9:30 a.m. on January 6, 1997 one half hour later than scheduled. Unfortunately the Director’s delegate was unable to attend due to inclement weather. However a telephone message had been passed on informing the parties that they could proceed in her absence if they wished. The parties made comprehensive opening statements. An adjournment was granted to allow parties to discuss the matter informally. The parties were able to reach a settlement.

As a result of the settlement negotiations the complainant withdrew her complaint. The Tribunal is satisfied, based on the submissions of the parties, that the settlement does not contravene the *Act* or the *Regulations*. The parties acknowledged that this is a full and final settlement of a disputed claim and that the settlement is made without prejudice to either parties’ position in this or any other forum.

ORDER

I order, pursuant to Section 115 (1) of the *Act* that Determination Nos. CDET 003637 and CDET 004948 be cancelled.

E. Casey McCabe
Adjudicator
Employment Standards Tribunal