

An appeal

- by -

Alkon Trading Ltd. operating as Kitchen Plus
(“Alkon”)

- 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

ADJUDICATOR: Norma Edelman

FILE No.: 2001/831

DATE OF DECISION: January 10, 2002

DECISION

ANALYSIS

This Decision concerns the calculation of the amount of wages owed by Alkon Trading Ltd. operating as Kitchen Plus ("Alkon") to Valene Kahn ("Kahn").

On November 20, 2001, the Tribunal issued Decision BC EST #D 623/01 which included the following Order by the Adjudicator:

Pursuant to s. 115 of the Act I order that the Determination dated August 17, 2001 related to compensation for length of service is cancelled. I otherwise confirm the Determination related to vacation pay, and other pay, and refer this matter back to the Delegate for a re-calculation of the entitlement of Valene Kahn, including an entitlement to interest pursuant to s. 88 of the Act.

On November 26, 2001, the Tribunal received a report dated November 23, 2001 from the delegate of the Director of Employment Standards. The delegate estimated the amount owing to Kahn as follows:

Wages owing:	\$894.64
Interest to date of determination:	\$75.58
Subsequent interest to November 23, 2001:	\$9.88
Total amount owing:	<u>\$983.10</u>

In a letter dated November 27, 2001, the Tribunal invited the other parties to reply to the delegate's submission. Kahn replied on December 13, 2001 stating she agreed with the delegate's calculations. Alkon replied on December 31, 2001 stating:

Although we do not fully agree with this calculation, the quantum of the actual calculation referred back to the Delegate is not in serious dispute. As such, on a without prejudice to our reconsideration application and any further appeals, we make no submission regarding the Delegate's calculation of quantum.

I have reviewed the file and the calculations made by the delegate and I find no reason to alter her conclusion regarding the amount of wages owed to Kahn. Accordingly, the following Order is made:

ORDER

Pursuant to Section 115 of the Employment Standards Act and further to Tribunal Decision BC EST # D623/01 I order that the Determination dated August 17, 2001 be varied to show that Alkon owes Kahn \$983.10, plus, pursuant to Section 88 of the Act, any further interest accumulated since November 23, 2001.

Norma Edelman
Adjudicator
Employment Standards Tribunal