

An appeal

- by -

Kuen Yu Kwok, also known as Joseph Kwok,
a Director of San Bao Investment Inc.

(“Appellant”)

- 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)

TRIBUNAL MEMBER: Rajiv K. Gandhi

FILE No.: 2016A/126

DATE OF DECISION: February 20, 2017

DECISION

SUBMISSIONS

Paula Krawus	counsel for San Bao Investment Inc.
Maureen E. Baird, Q.C.	counsel for San Bao Investment Inc.
Adele J. Adamic	counsel for the Director of Employment Standards

OVERVIEW

1. On July 27, 2016, the Director of Employment Standards (the “Director”) issued a determination (the “Section 95 Determination”) in which San Bao Investment Inc. (the “Company”) was associated with Viceroy Homes Ltd. (“VHL”) under section 95 of the *Employment Standards Act* (the “Act”) and ordered to pay wages, in the aggregate amount of \$352,023.65, to fourteen separate complainants (employees of VHL), together with interest and \$1,500.00 in administrative penalties.
2. On the same day, the Director then issued a second determination (the “Section 96 Determination”) in respect of which Mr. Kwok (the “Appellant”), as the sole director and officer of the Company, was found to be personally liable to pay, in the in the aggregate, \$152,532.81, plus interest. The Appellant was also ordered to pay the administrative penalties levied against the Company.
3. The Appellant does not challenge in any respect the Director’s calculations of wages owed. Rather, he submits that the association under section 95 of the *Act* was made in error, and on that basis, the Section 96 Determination should be quashed. He adopts the same arguments made by the Company in its appeal of the Section 95 Determination.
4. I have considered, and dismissed, the Company’s appeal of the Section 95 Determination (see *San Bao Investment Inc.*, BC EST # D017/17).
5. The Appellant offers nothing else on which to hang his appeal.
6. To the extent that the Section 95 Determination stands, so too must the Section 96 Determination.

ORDER

7. This appeal is dismissed, and the Section 96 Determination confirmed pursuant to section 115 of the *Act*.

Rajiv K. Gandhi
Member
Employment Standards Tribunal