

An appeal

- by -

The Taiga Works Wilderness Equipment Ltd.  
("Taiga")

- 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:** Carol L. Roberts

**FILE No.:** 2008A/20

**DATE OF DECISION:** March 26, 2008

## DECISION

### SUBMISSIONS

Andres Barker

on behalf of the Director of Employment Standards

### OVERVIEW

1. This decision arises out of an appeal by Taiga Works Wilderness Equipment Ltd., (“Taiga”), pursuant to Section 112 of the *Employment Standards Act* (“the Act”), against a Determination of the Director of Employment Standards (“the Director”) issued September 28, 2007. On February 5, 2008, I issued a decision concluding that the delegate had erred in calculating wages owed to eleven employees and referred the matter back for recalculation of the amounts owing. (BC EST #D016/08)
2. On February 21, 2008, the delegate issued a letter finding that Taiga was entitled to receive back \$2,204.05 from the amount originally calculated, bringing the amount of wages owed to \$39,459.06. Although the delegate noted that the calculations were “approved in principle by the employer”, he also noted that counsel advised him they were considering filing a reconsideration request. The delegate indicated the Director would continue to hold the remaining funds in trust until that decision was made.
3. The Tribunal received no response to the delegate’s February 21, 2008 letter on the referral back from either the employees or from Taiga.
4. Section 36 of the *Administrative Tribunals Act* (“ATA”), which is incorporated into the *Employment Standards Act* (s. 103), and Rule 16 of the Tribunal’s Rules of Practice and Procedure provide that the tribunal may hold any combination of written, electronic and oral hearings. (see also *D. Hall & Associates v. Director of Employment Standards et al.*, 2001 BCSC 575). This appeal is decided on the section 112(5) “record”, the submissions of the parties, and the Reasons for the Determination
5. Neither party responded to the delegate’s letter by the deadline provided by the Tribunal. In the absence of any response from the parties, I accept the delegate’s revised calculation of \$39, 459.06.

### ORDER

6. I Order, pursuant to Section 115 of the Act, that the Determination dated September 28, 2007 be varied to show that Taiga is liable for \$39, 459.06.

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