

An appeal

- by -

Rainbowworld Network Corp.  
("employer")

- 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:** M. Gwendolynne Taylor

**FILE No.:** 2000/590

**DATE OF HEARING:** January 10, 2001

**DATE OF DECISION:** January 23, 2001

## DECISION

### APPEARANCES:

For the Employer	no one appearing
For the Employee	Bob Hammond
For the Director	Allan Carlson

### OVERVIEW

This is an appeal pursuant to Section 112 of the *Employment Standards Act* (the “Act”) by Paul Desmarais, Director of Rainbowworld Network Corp. (the “employer”), of a Determination which was issued on August 4, 2000 by a delegate of the Director of Employment Standards (the “Director”). In that Determination the Director found that the employer had contravened sections 17, 58 and 18 of the *Act* and awarded \$2,132.28 in regular wages and vacation pay, plus interest, to Bob Hammond (the “employee”).

The employer appealed that determination, claiming, among other things, that the contract with the employee had ended and the employee continued to work without obligation by the employer to pay wages.

### FACTS

The hearing was scheduled for January 10, 2001 commencing at 9:00 am. Notice of the time, date and place of the hearing, dated December 18, 2000, was sent to the parties. At the scheduled start time the employer had not appeared. At 9:10 a.m. I telephoned the number the employer provided on the appeal form. The number was for a cellular telephone. The voice mail message advised me that the voice mail was full so that I could not leave a message.

I delayed the start of the hearing to allow the employer additional time to arrive. At 9:23 a.m. I again telephoned and received the same message.

At 9:25 a.m. I commenced the hearing. I asked the employee and the Director if they had any contact with the employer indicating that he would not be attending the hearing or that he planned to discontinue his appeal. They each responded that there had been contact with the employer about the hearing.

**ANALYSIS**

In an appeal to the Tribunal, the appellant, Mr. Desmarais, bears the burden of demonstrating, on a balance of probabilities, that the conclusion of the Director was wrong. I have reviewed the appeal and the materials on file. Based on those materials, I am not satisfied that the Director erred. As Mr. Desmarais did not appear at the hearing to present further argument or evidence, I find that his appeal fails.

I find that Mr. Desmarais abandoned his appeal and, accordingly, I dismiss this appeal.

**ORDER**

Pursuant to Section 115 of the *Act*, I order the Determination of August 4, 2000 be confirmed.

**M. GWENDOLYNNE TAYLOR**

**M. Gwendolynne Taylor**  
**Adjudicator**  
**Employment Standards Tribunal**