

February 18, 2000

**Tribunal Decision BC EST #D052/00**

**TO INTERESTED PARTIES**

**Re: Employment Standards Act - Section 112  
Appeal of a Determination issued by the Director of Employment Standards on  
June 28, 1999  
Cary Lawrence Praetor operating as C.I.P. International - and - Mark D.  
Randall  
Tribunal File Number: 2000/063**

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This letter sets out the Tribunal's decision regarding the amount of wages owed Cary Lawrence Praetor operating as C.I.P. International (Praetor) to Mark D. Randall (Randall).

On November 5, 1999, the Tribunal issued Decision # D493/99 in connection with the above-noted appeal. The Adjudicator ordered that the Determination dated June 28, 1999 be confirmed except to the extent that the issue of Quantum be referred back to the Director of Employment Standards for calculation. The Adjudicator concluded that the Delegate of the Director of Employment Standards had erred in concluding that Mr. Randall's salary amounted to \$5,510.00 per month. Rather, Mr. Randall's salary was \$4,000.00 per month. Accordingly the delegate's calculations for outstanding wages, vacation pay and compensation for length of service had to be adjusted to reflect a salary of \$4,000.00 and not \$5,510.00 per month.

On January 26, 2000, the Tribunal received a submission from the Director's Delegate in which he included a revised set of calculations for wages owing to Mr. Randall. The delegate concluded that Mr. Randall was owed \$7,014.22 gross wages, including interest to November 17, 1999. The Delegate stated that Mr. Randall agreed with the calculations. He further stated that he could not locate the employer and he believed the employer no longer resided in Canada.

In a letter dated January 28, 2000, the Tribunal invited the other parties to reply by February 11, 2000 to the submission of the Delegate. Mr. Randall replied that he agreed with the Delegate's calculation. No reply was received from Praetor.

This matter has been decided based on the written submissions received by the Tribunal.

I have reviewed the calculations of the Director's Delegate and I find no reason to alter his conclusions regarding Quantum. Accordingly, the following order is made.

**ORDER**

Pursuant to Section 115 of the Employment Standards Act (the "Act"), and further to Tribunal Decision #D493/99, I order that the Determination dated June 28, 1999 be varied to show that Cary Lawrence Praetor operating as C.I.P. International owes Mark D. Randall \$7,014.22 plus, pursuant to Section 88 of the Act, any further interest accumulated since November 18, 1999.

Norma Edelman  
Registrar  
Employment Standards Tribunal

**Interested Parties**

Cary Lawrence Praetor operating as C.I.P. International  
Mark D. Randall  
Director of Employment Standards (Officer: Michael Fu)