

EMPLOYMENT STANDARDS TRIBUNAL
In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act R.S.B.C. 1996, C. 113

- by -

Walter Shelest operating as General Installation
("Shelest")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Hans Suhr

FILE NO.: 1998/751

DATE OF HEARING: March 3, 1999

DATE OF DECISION: March 18, 1999

DECISION

APPEARANCES

Walter Shelest on behalf of Walter Shelest operating as General Installation

Steve Johnston on his own behalf

Berhane Semere on behalf of the Director of Employment Standards

OVERVIEW

This is an appeal by Walter Shelest operating as General Installation (“Shelest”), under Section 112 of the *Employment Standards Act* (the “Act”), against a Determination dated November 6, 1998 issued by a delegate of the Director of Employment Standards (the “Director”). Shelest alleges that the delegate of the Director erred in the Determination by concluding that Steve Johnston (“Johnston”) was owed wages in the amount of \$3,376.53 (includes interest). Shelest further alleges that the delegate erred by adding “General Plumbing” to the name of the obligor as set forth in the Determination.

With the consent of all parties, I will vary the Determination to reflect “Walter Shelest operating as General Installation”.

With the consent of all parties, I will also vary the Determination to reflect that the amount owing should be \$2,376.53.

Upon the conclusion of the presentation of the evidence, the parties, with the assistance of the delegate of the Director, discussed the possibility of reaching a settlement with regard to the matters in dispute.

The parties agreed to resolve the matters in dispute on the following basis:

1. Shelest will pay to Johnston the amount of \$1,500.00 before the end of June 1999;
2. There are to be no deductions taken from this amount;
3. This amount will be paid in 4 installments with a “good faith” payment of \$100.00 to be made at the conclusion of the hearing;
4. The 4 installments will be due at the end of March, end of April, end of May and the balance due at the end of June, 1999;
5. Shelest is to make the payments to the delegate of the Director for disbursement to Johnston.

The parties further understood that should the terms of this settlement be breached in any way, the delegate of the Director would then be entitled take the necessary steps to enforce the original Determination, as varied to be in the amount of \$2,376.53.

Hans Suhr
Adjudicator
Employment Standards Tribunal