

February 27, 1998

Decision Number: BC EST #D106/98

TO INTERESTED PARTIES

Re: **Employment Standards Act - Part 13**
Appeal of Director's Determination CDET dated December 9, 1997
Universal Wall and Ceiling Corp. -and- Gilles J. Doiron
Tribunal File Number: 97/931

DECISION

This is an appeal by Universal Wall and Ceiling Corp, under Section 112 of the *Employment Standards Act* (the "Act"), against a Determination which was issued by a delegate of the Director of Employment Standards on December 9, 1997.

Dieter Wirtz alleged that the Director's delegate made several errors in the Determination.

The Tribunal scheduled a hearing for this appeal to take place on 2/27/98 at 9:00 a.m. at its offices in Vancouver. Dieter Wirtz was duly notified of the time and place of the hearing but did not attend and offered no explanation for his failure to attend.

The onus in this appeal is on the appellant, Universal Wall and Ceiling Corp. The Hearing Notice advised the parties that the Tribunal would decide the appeal despite a party's failure to attend the hearing. In the absence of Dieter Wirtz's oral evidence I am unable to find any grounds to vary or cancel the Determination.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination be confirmed.

Geoffrey Crampton
Chair
Employment Standards Tribunal

GC/sr