

An appeal

- by -

Alttech Ventures Corp.

- 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: John M. Orr

FILE No.: 2003/6

DATE OF DECISION: March 25, 2003

DECISION

OVERVIEW

This is an appeal by Alttech Ventures Corp. (“Alttech” or “the corporation”) pursuant to Section 112 of the Employment Standards Act (the “Act”) from a Determination dated July 10, 2002 by the Director of Employment Standards (the “Director”).

In the exercise of its authority under section 107 of the Act the Tribunal has concluded that an oral hearing is not required in this matter and that the appeal can be properly addressed through written submissions.

The Director determined that Alttech had failed to pay wages to a number of employees at a time when the corporation was facing financial challenges. In the determination the Director’s delegate noted that “Alltech has not submitted any position nor any response to any correspondence or telephone inquiries relating to the allegations put forward by the complainants”. The Director found Alttech liable to pay \$47,153.80 in various forms of wages.

Alttech appealed from the determination. In the appeal the principal of the corporation submitted that while there may have been difficulty in contacting her there were *bona fide* reasons for the failure of the corporation to adequately respond to the delegate during the investigation. Alttech also submitted substantial reasons why the determination should be varied.

In a decision dated December 2, 2002 I referred the matter back to the Director for further investigation taking into account the new information provided by the corporation. The Director has now responded to that referral.

ANALYSIS

In response to the above noted decision a delegate of the Director has responded that attempts were made to contact the principal of the corporation in writing by registered letter and by telephone to give an opportunity to produce and review records supporting the previous submissions. The delegate received no response. The delegate concluded that based on the evidence produced by the corporation that there was no choice but to maintain the original determination.

I am satisfied that the delegate made reasonable efforts to give the corporation an opportunity to make further submissions to support the allegations made in the original appeal documents. In the absence of any cooperation from the corporation the delegate had little choice but to maintain the position taken in the original determination. I conclude that the determination should now be confirmed.

ORDER

I order, under section 115 of the *Act*, that the determination herein is confirmed.

John M. Orr
Adjudicator
Employment Standards Tribunal