

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 -

Northern Manufacturing Ltd.
(" Northern ")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

ADJUDICATOR: Carol Roberts

FILE No: 2000/6

DATE OF HEARING: March 10, 2000

DATE OF DECISION: March 10, 2000

DECISION

APPEARANCES:

For the Director:	T. Kirby and R. Stea
For Northern Manufacturing Ltd.:	No one appeared
Jeppe Svendsen:	On his own behalf

OVERVIEW

This is an appeal by Northern Manufacturing Ltd. ("Northern"), pursuant to Section 112 of the Employment Standards Act ("the Act"), against a Determination issued by the Director of Employment Standards ("the Director") December 13, 1999. The Director's delegate found that Northern had contravened Section 63 of the Act, and Ordered that it pay Jeppe Svendsen ("Svendsen") the sum of \$1,493.95 as compensation for length of service.

The appellant did not appear at the hearing. I telephoned Northern's agent, Darryl Gaudreau, to determine whether he was intending on pursuing the appeal, or whether it had been abandoned. He advised me that he would not be attending, but others from Northern would be. When I asked who would be representing Northern, I was told it would be Larry Goudreau.

I then called Larry Goudreau. Mr. Goudreau told me that he had no knowledge of the hearing.

I am satisfied, on a balance of probabilities, that Northern was properly notified of the hearing.

Northern's address for service is a Gordon Head address. I am advised by the Tribunal staff that all correspondence was sent to that address.

On February 21, 2000, the Tribunal received a fax from Larry Goudreau requesting employment records for Svendsen, stating that if the request was refused, he would seek a subpoena "for same in order to proceed with this action." Mr. Goudreau was directed to obtain that material from the Director's delegate. The delegate confirmed that the requested material was sent to Mr. Goudreau.

Furthermore, in speaking with Darryl Goudreau, he did not indicate to me that he had no knowledge of the hearing. In fact, he stated that "other people" would be carrying the case.

I accept that Northern was properly notified. Even if Larry Goudreau had no knowledge of the hearing, which I do not accept he did, I find that Darryl Goudreau did.

The appellant failed to appear. Having no evidence to support the appeal, I have considered it abandoned.

ORDER

I Order, pursuant to Section 115 of the Act, that the Determination, dated December 14, 1999, be confirmed together with whatever interest that may have accrued since that date.

Carol Roberts
Adjudicator
Employment Standards Tribunal