

**EMPLOYMENT STANDARDS TRIBUNAL**  
In the matter of an appeal pursuant to Section 112 of the  
*Employment Standards Act S.B.C. 1995, C. 38*

- by -

Lloyd Whitnack  
("Whitnack")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**A**DJUDICATOR: David Stevenson

**F**ILE N<sub>o.</sub>: 96/059

**D**ATE OF H<sub>E</sub>ARING: June 4, 1996

**D**ATE OF D<sub>E</sub>CISION: June 7, 1996

**Appearances:**

For Llyod Whitnack:

In person

For T&E Falle Contracting  
& Installations Ltd.

Tom Falle  
Jim Evjen

For the Director:

Nupur Talwar

**DECISION**

**OVERVIEW**

This is an appeal by Lloyd Whitnack (“Whitnack”) pursuant to Section 112 of the *Employment Standards Act* (the “Act”) of Determination No. 000460, issued by the Director of Employment Standards (the “director”) on December 15, 1995, and which dismissed the claim of Whitnack for severance pay and overtime.

**ISSUES TO BE DECIDED**

The issues to be decided in this appeal are whether Whitnack was employed in the construction industry and whether he was entitled to any overtime.

**ANALYSIS**

At the commencement of the hearing, Tom Falle, appearing on behalf of T&E Falle Contracting & Installations Ltd., stated that he wished to discuss a settlement of the appeal. I asked Ms. Talwar, who was in attendance on behalf of the director, whether she would consent to assisting the parties in that discussion and she kindly agreed. The parties were also agreeable to that process and I adjourned the hearing.

With the assistance of Ms. Talwar, the complaint was settled. I was advised by Ms. Talwar the settlement was acceptable to the parties and to the director. Following settlement Whitnack withdrew his appeal and the hearing discontinued.

**ORDER**

There is no order to make in this matter. I note for the record that the complaint has been settled by the director and the appeal has been withdrawn.

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**David Stevenson**  
**Adjudicator**  
**Employment Standards Tribunal**

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