

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 -

Nightowl Security Inc.
("Nightowl")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Norma Edelman

FILE NO.: 96/242

DATE OF HEARING: June 11, 1996

DATE OF DECISION: June 24, 1996

DECISION

APPEARANCES

For the Appellant	No one appeared
For the Director of Employment Standards	Kevin Rooney Lesley Christensen

OVERVIEW

This is an appeal by Nightowl Security Inc. (“Nightowl”) pursuant to Section 112 of the *Employment Standards Act* (the “Act”) against Determination No. CDET 001532 issued by the Director of Employment Standards (the “Director”) on March 12, 1996. The Determination indicates that pursuant to Section 98 of the *Act* and Section 28 of the *Employment Standards Regulation* (the “Regulation”) Nightowl has been assessed a penalty in the amount of \$500.00 for contravening Section 46 of the Regulation (production of records).

The Reason Schedule attached to the Determination contains the following statements:

In accordance with Section 46 of the Employment Standards Act Regulations, the employer failed to provide employee records as requested. The Director’s delegate was unable to contact the employer by telephone to discuss the requirement to provide records for an investigation. The Employer did not respond to a letter sent to him on January 25, 1996, requesting the employer’s records. A Demand for Employer Records was sent by Certified Mail on February 13, 1996, allowing until February 28, 1996 to produce the required records. The employer has failed to comply with the record requirements of Section 28.

On April 4, 1996 Nightowl filed an appeal of the Determination. In the reasons for its appeal Nightowl states that records were sent to Lesley Christensen (“Christensen”) and Kevin Rooney (“Rooney”) of the Employment Standards Branch.

All parties were advised that an oral hearing was set for June 11, 1996 concerning this matter.

ANALYSIS

Although duly notified of the time and place of the hearing, the Appellant, Nightowl, did not appear.

Christensen and Rooney attended the hearing on behalf of the Director. They stated that they have never received any records from Nightowl.

Given the Appellant did not appear despite having been notified of the hearing, and in the absence of any substantive arguments to dispute the position of the Director, I conclude there is no reason to vary or cancel the Determination.

ORDER

I order pursuant to Section 115 of the *Act*, that Determination No. CDET 001532 be confirmed in the amount of \$500.00.

Norma Edelman
Registrar
Employment Standards Tribunal

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