

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 -

Orry Hance, operating as H & H Contracting
("H & H")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Hans Suhr

FILE NO.: 1999/47

DATE OF HEARING: April 13 1999

DATE OF DECISION: April 27, 1999

DECISION

APPEARANCES

Lyll Gardiner	counsel for Orry Hance
Orry Hance	on his own behalf
Christine Hink	on behalf of Orry Hance
Molly Hink	on behalf of Orry Hance
Roger Servant	on his own behalf

OVERVIEW

This is an appeal by Orry Hance operating as H & H Contracting (“H & H”), under Section 112 of the *Employment Standards Act* (the “Act”), against a Determination dated January 12, 1999 issued by a delegate of the Director of Employment Standards (the “Director”). H & H alleges that the delegate of the Director erred in the Determination by concluding that wages were owed to Roger Servant (“Servant”).

The parties have known each other for a great number of years and it was evident that both parties were uncomfortable with being before the Tribunal in this process.

During the course of the hearing, the parties agreed to settle the issues between them on the following basis:

1. Orry Hance will pay to Roger Servant the amount of \$700.00 in 7 equal payments of \$100.00 commencing on May 1, 1999.
2. Orry Hance will forward each payment to the Employment Standards office in Prince George for distribution to Roger Servant.
3. Orry Hance will consider any amounts owing from Roger Servant to either H & H or Sleepy Gas as having been paid in full.
4. Should this settlement be breached, the issues contained in the Determination will again be raised with the Director of Employment Standards.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination dated January 12, 1999 be cancelled.

**Hans Suhr
Adjudicator
Employment Standards Tribunal**