An appeal

- by -

Seann Parcker

("Parcker")

- 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

TRIBUNAL MEMBER: David B. Stevenson

FILE No.:   2004A/120

DATE OF DECISION: September 9, 2004

DECISION

SUBMISSIONS

Graeme Moore   on behalf of Seann Parcker

Gary Clarke and John Webber   on behalf of Vancouver Career College Inc.

Diane Roberts and Ivy Hallam   on behalf of the Director of Employment Standards

OVERVIEW

This decision completes an appeal filed by Seann Parcker ("Parcker") of a Determination that was issued on October 28, 2003 by a delegate of the Director of Employment Standards (the "Director"). The Determination concluded the *Act* had not been contravened and, accordingly, Parcker was owed no wages by his former employer, Vancouver Career College Inc. ("the College").

In BC EST # D033/04 (the "original decision"), I found the Director had failed to consider Parcker's entitlement to statutory holiday pay and referred the matter back to Director.

The Director has considered that matter and has issued a supplement to the Determination, dated July 5, 2004, varying the Determination to find that Parcker is owed an amount of $611.05 statutory holiday pay and $52.32 interest on that amount. The Tribunal has requested submissions from the parties on the variance. The College has submitted a response and has accepted, on a without prejudice basis, the finding of the Director and has apparently paid that amount to the Director.

Parcker has not filed a response.

There being no objection to the statutory holiday entitlement calculation made by the Director and no indication that the calculation was wrong, it is appropriate to confirm the variance.

ORDER

Pursuant to Section 115 of the *Act*, I order the Determination dated October 28, 2003 be varied to show an amount owing of $663.37.

David B. Stevenson
Member
Employment Standards Tribunal