

An appeal

- by -

William Park  
("Park")

- 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

**ADJUDICATOR:** Kenneth Wm. Thornicroft

**FILE No.:** 2002/093

**DATE OF DECISION:** May 9, 2002

## DECISION

### OVERVIEW

This is an appeal filed by, and in the name of, William Park. Mr. Park apparently intended to appeal a Determination dated February 1st, 2002 pursuant to which (and I quote from the Determination) “Frank Abate, John Abate and Infinity Technologies Inc. operating as Infinity Technologies Vancouver Inc.” were ordered to pay the sum of \$578.32 representing an unpaid commission, vacation pay, unreimbursed expenses and section 88 interest owed to a former employee, Graham Thompson.

The Determination is addressed to above-named parties (“Attention: William G. Park, Human Resources”); Mr. Park is not personally liable to pay any monies under the Determination. As noted above, William Park filed the notice of appeal in his personal capacity although he does refer to the Determination in his appeal form.

The only “reason for appeal” set out in the appeal form is the following statement:

“This investigation pertains to Infinity Technologies Vancouver Inc. (Rev Cda BN 870248556) not to Infinity Technologies Inc. (Rev Cda BN 120982194)”

There are no other submissions before me from either Mr. Park or anyone else apparently associated with the parties named in the Determination, namely, Frank Abate, John Abate, Infinity Technologies Inc., or Infinity Technologies Vancouver Inc. Those parties were requested, by way of a letter dated February 26th, 2002, to file written submissions regarding this appeal (together with supporting documents) with the Tribunal by no later than March 27th, 2002. To date, none of the parties has replied in any fashion whatsoever.

### FINDINGS

In my view, this appeal is not properly before the Tribunal (Mr. Park is not a proper appellant) and, even if it was, there are no proper grounds for appeal.

I assume that Mr. Park takes issue with the identity or description of the parties who have been found liable under the Determination but there is nothing before me that would suggest the Determination has named inappropriate parties. I have nothing before me calling into question Mr. Thompson’s unpaid wage claim.

As noted in the Determination, although there may have been an intention to incorporate a company to be known as “Infinity Technologies Vancouver Inc.” (the firm name was reserved with the B.C. Registrar of Companies) such a company was not incorporated when Mr. Thompson’s unpaid wage claim arose. Frank Abate, John Abate and Infinity Technologies Inc. (an Ontario company) appear to be the principals behind a failed business venture that was operated in Vancouver under the firm name “Infinity Technologies Vancouver Inc.” even though the latter was not a lawfully incorporated company.

**ORDER**

Pursuant to sections 114(1)(c) and 115 of the *Act*, I order that this appeal be dismissed and that the Determination be confirmed as issued in the amount of \$578.32 together with whatever additional interest that may have accrued, pursuant to section 88 of the *Act*, since the date of issuance.

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**Kenneth Wm. Thornicroft**  
**Adjudicator**  
**Employment Standards Tribunal**