

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-

Terry C. Klassen and Li Peggy Pui-Yee operating as Firm Construction
(the "Employer")

-of a Determination issued by-

The Director of Employment Standards
(the "Director")

ADJUDICATOR:	E. Casey McCabe
FILE NO.:	96/717
DATE OF HEARING	April 28, 1997
DATE OF DECISION:	May 13, 1997

DECISION

APPEARANCES

None

OVERVIEW

This is an appeal by Terry C. Klassen and Li Peggy Pui-Yee operating as Firm Construction (the "Employer") pursuant to Section 112 of the *Employment Standards Act* (the "Act") of Determination number CDET 004635 issued by Dave MacKinnon as a delegate of the Director of Employment Standards (the "Director") on November 8, 1996. The Determination found that the Employer had contravened Sections 6, 17(1), 18(1), 20, 27(1), 31(1), 34(2), 40(1), 44, 45, 46(1), and 58(1) of the Act. The Determination by the Director's delegate also concluded that Ms. Li Peggy Pui-Yee was associated as contemplated by the Act Section 95 with Mr. Terry C. Klassen in the operation of Firm Construction. The Appellants also appeal Determination number CDET 003310 made by Mr. Kevin Rooney dated July 15, 1996 under Section 6 of the *Employment Standards Act Regulation* (production of records) in the amount of \$500.00 for failure to produce employer records on demand.

ANALYSIS

The Employment Standards Tribunal scheduled a hearing for this appeal on April 28, 1997 at 9:00 a.m. at Suite 800, 360 West Georgia Street, Vancouver, British Columbia, V6B 6B2. The appellant was duly notified of the time and place of the hearing. I convened the hearing at 9:00 a.m. No one was present. I checked with the Employment Standards Tribunal offices to determine if any message had been left. No messages were recorded. The Tribunal's records indicate that the appellant had been notified by fax of the hearing.

The onus in this proceeding is on the appellant. In the absence of any evidence to the contrary the Determination must stand. An appeal will be dismissed when an appellant fails to appear. (*Elk Valley Furnace Masters Ltd.* BC EST # 063/97)

ORDER

I order pursuant to Section 115 of the *Act* that Determination number CDET 004635 and Determination number CDET 003310 be confirmed.

E. Casey McCabe
Adjudicator
Employment Standards Tribunal