

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-

Neil Bryon Knutsen operating as Mr. B's Breadboard

("Knutsen")

- of a Determination issued by -

The Director of Employment Standards

(the "Director")

ADJUDICATOR: Kenneth Wm. Thornicroft

FILE NO.: 97/24

DATE OF HEARING: May 29th, 1997

DATE OF DECISION: May 29th, 1997

DECISION

APPEARANCES

Neil Bryon Knutsen on his own behalf

Lyne L.S. Savoie on her own behalf

OVERVIEW

This is an appeal brought by Neil Bryon Knutsen operating as Mr. B's Breadboard ("Knutsen") pursuant to Section 112 of the *Employment Standards Act* (the "Act") from a Determination issued by the Director of Employment Standards (the "Director") on December 20th, 1996 under file number 079-318. The Director determined that Knutsen owed his former employee, Lyne L.S. Savoie ("Savoie"), the sum of \$2,458.93 on account of unpaid hourly wages, vacation pay and interest. Knutsen's appeal was based on the ground that Savoie never was his employee and that whatever services she may have rendered were not undertaken in the course of an employment relationship.

During the course of the evidentiary phase of the appeal hearing, the parties entered into negotiations that resulted in a final settlement of the matters in dispute between them. The parties' agreement (based on 75 hours at an hourly rate of \$7.00 plus 4% vacation pay) is reflected in the consent order that follows.

ORDER

Pursuant to section 115 of the *Act*, and by consent of the parties, I order that the Determination in this matter, dated December 20th, 1996 and filed under number 079-318, be varied. The amount now due and payable under the Determination, as varied, is \$546.

Kenneth Wm. Thornicroft
Adjudicator
Employment Standards Tribunal