

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 -

Peter Joseph W. Premont

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Paul E. Love

FILE NO.: 98/128

DATE OF HEARING: May 29, 1998

DATE OF DECISION: June 18, 1998

DECISION

APPEARANCES

B.C. Interiors and Custom Design Inc.
Peter Premont
Christine Iles, and her counsel S. Mansfield, Esq.
Ray Skakum
Luigi Parrotta
Parm Hothi
Randy Hartley
Alex Hannig
Director's Delegate, H. Beauchesne

OVERVIEW

This is an appeal by Peter Joseph W. Premont of a Determination dated February 10, 1998. The Director's delegate found that he was a director of B.C. Interiors and Custom Design Inc. (the "company"). The Director's delegate also found that Mr. Premont and responsible under s. 96 of the *Act* for payment of the sum of \$28,582.19 owing by the company to 16 employees. The Determination was confirmed as Mr. Premont admitted at the hearing that he was the president of the company.

ISSUE TO BE DECIDED

Is Peter Joseph W. Premont a director of B.C. Interiors and Custom Design Inc. and liable to pay the sum of \$28,582.19 to the Director?

FACTS

B.C. Interiors and Custom Design Inc. (the "company") carried on a renovation and construction business in the Greater Vancouver area between February and October of 1997. The Director received 17 complaints from former employees of the company concerning non-payment of wages, vacation pay and overtime, as well as non-payment for a truck rental that was paid by an employee.

On February 10, 1998 the Director's delegate determined that wages, overtime pay and vacation pay, and a truck rental debt incurred in the total amount of \$28,582.19 had not been paid to 16 former employees of B.C. Interiors and Custom Design Inc.. The Director's delegate made the Determination on the basis of pay stubs or information

supplied by the employees as the company refused or neglected to participate in the investigation.

As a procedural point there were three separate tribunal files that were set for hearing on the hearing date involving the Company (Tribunal File # 98/127), Ms. Iles a director of the company (Tribunal File # 98/136) and Mr. Premont, also a director of the company (Tribunal File # 98/128). All parties appearing agreed that I could conduct one hearing, and use the evidence adduced in making decisions on the three separate tribunal files. The decisions on each of the files were issued concurrently for the appellants: the company (D# 264/98) for Ms. Iles (D# 265/98) and for Mr. Premont (D# 263/98).

At the hearing Mr. Premont admitted that he was the president of the company. There was also evidence from Ms. Iles that Mr. Premont was the president and a director of the company.

ANALYSIS

There was ample evidence including an admission by Mr. Premont for me to find that Mr. Premont was a director of the company. He is therefore obliged to pay the sum of \$28,582.19 to the Director, for transmission to the employees which are owed money by the company as set out in Decision # 264/98 issued concurrently with this Decision.

ORDER

Pursuant to section 115 of the *Act*, I order that the Determination in this matter, dated February 10, 1997 be confirmed and that further that interest be calculated in accordance with s. 88 of the *Act*.

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Paul E. Love
Adjudicator
Employment Standards Tribunal