

An appeal

- by -

Daniel Tanguay operating as Eagle Siding
(the "Employer")

- 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: Ib S. Petersen

FILE No.: 2001/86

DATE OF DECISION: May 30, 2001

DATE OF DECISION: June 7, 2001

DECISION

APPEARANCES:

Ms. Adele Adamic

on behalf of the Director

FACTS AND ANALYSIS

This is an appeal by the Employer pursuant to Section 112 of the *Employment Standards Act* (the “Act”), against a Determination of the Director of Employment Standards (the “Director”) issued on January 25, 2001. The Determination concluded that the Employer had contravened Section 85 of the *Act* and issued a penalty of \$500.

The Employer takes issue with the delegate’s conclusions. In the written appeal, the Employer says that the factual basis for the Determination is wrong. A hearing was held on May 30, 2001. Counsel for the Director, the delegate and other witnesses appeared at the hearing. The Employer, the appellant in this matter, has the burden to prove the Determination wrong. Although duly notified, and, in fact, having agreed to the hearing date, the Employer did not appear at the hearing. In the result, I consider that the appeal has been abandoned and dismiss it.

ORDER

Pursuant to Section 115 of the Act, I order that Determination in this matter, dated January 25, 2001 be confirmed.

Ib S. Petersen
Adjudicator
Employment Standards Tribunal