

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 -

LTD Business Training Institutes of Canada Ltd.
("LTD")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR:	David Stevenson
FILE No.:	97/229
DATE OF HEARING:	June 30, 1997
DATE OF DECISION:	July 2, 1997

DECISION

APPEARANCES

LTD Business Training Institutes of Canada Ltd	no one appearing
Marie Stancer	in person
Germain Wright	in person

OVERVIEW

This matter involves an appeal pursuant to Section 112 of the *Employment Standards Act* (the "Act") by LTD Business Training Institutes of Canada Ltd. ("LTD") from a Determination of a delegate of the Director of Employment Standards (the "Director") dated March 14, 1997. The Director concluded LTD had contravened Sections 17(1), 18(1), 40(1)(a) and 63(2)(a) of the Act in respect of the employment of Germain Wright and Marie Stancer.

A hearing on the appeal was scheduled by the Tribunal to take place in Kelowna on June 30, 1997 at 1:00 pm. I am satisfied, and the records of the Tribunal confirm, LTD was informed of the date, time and location for the appeal hearing through one of its directors and officers, Teresa Augustine. No one representing LTD appeared at the scheduled time and location on the date set for the hearing. Commencement of the hearing was delayed for 30 minutes. At 1:30 pm the hearing was called to order.

ANALYSIS

The burden in an appeal to the Tribunal is on the appellant. The nature of that burden is to persuade the Tribunal the Determination is wrong in some material respect. In this case, the the appeal is based almost exclusively on a disagreement with the conclusions of fact made by the Director. In such circumstances, the presence of the appellant to demonstrate the errors in the Determination is essential. If the appellant fails to appear no reason exists to vary the factual conclusions made by the Director and the appeal must be dismissed.

ORDER

Pursuant to Section 115 of the *Act*, I order the determination dated March 14, 1997 be confirmed.

Dave Stevenson
Adjudicator
Employment Standards Tribunal