

An appeal

- by -

Ravinder Singh Moore, Director/Officer of 467794 B.C. Ltd.

- 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:** John M. Orr

**FILE No.:** 2003A/277

**DATE OF DECISION:** December 16, 2003

## DECISION

### SUBMISSIONS

Rob Moore on behalf of himself

J. Paul Harvey on behalf of the Director

### OVERVIEW

This is an appeal by Ravinder Singh Moore (“Moore”), a director/officer of 467794 B.C. Ltd (“the Company”), pursuant to Section 112 of the Employment Standards Act (the "*Act*") from a Determination dated October 1, 2003 by the Director of Employment Standards (the "Director").

In the exercise of its authority under section 107 of the *Act* the Tribunal has concluded that an oral hearing is not required in this matter and that the appeal can be properly addressed through written submissions.

The Director issued a Determination on September 3, 2003 finding that the Company owed \$466.85 in wages to a former employee, Ms. Brodie Pountney (“Pountney”). The Determination was served on the Company but the amount determined has not been paid. The Company appealed the corporate determination but the Tribunal has dismissed that appeal and the corporate determination has been confirmed.

On October 1, 2003 the Director issued a Determination finding Moore to be personally liable for the wages owing pursuant to the provisions of Section 96 of the *Act*. Moore has appealed the personal determination on the same grounds as the Company appealed the corporate determination.

### ISSUE

The only issues raised by the appellant in terms of the personal liability are the same issues raised in the corporate appeal.

### ANALYSIS

The corporate appeal in this case has been dismissed by the Tribunal and the Determination confirmed. Accordingly those issues are now *res judicata* and are not subject to re-argument in this appeal.

Section 96 of the Act provides that a person who was a director or officer of a corporation at the time wages of an employee of the corporation were earned is personally liable for up to 2 months’ unpaid wages. The Director’s delegate established that Ravinder Singh Moore was a director and officer of the Company at the time that Pountney’s wages were earned.

The appeal of the quantum of wages owing was dismissed in the corporate appeal and the only other basis for cancelling this personal Determination would be if the appellant alleged that Ravinder Singh Moore

was not in fact a director or officer of the corporation at the relevant time. No such submission has been made and accordingly the appeal of the personal liability is dismissed.

**ORDER**

I order, under section 115 of the *Act*, that the Determination herein dated October 1, 2003 is confirmed.

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**John M. Orr**  
**Adjudicator**  
**Employment Standards Tribunal**