

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 -

Belco Holdings Inc.
formerly operating Turtle Bay Marine Pub
("Belco")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

ADJUDICATOR: Cindy J. Lombard

FILE No.: 2000/311

DATE OF HEARING: August 3, 2000

DATE OF DECISION: August 14, 2000

DECISION

APPEARANCES

The employee, Timothy Hodgson (“Hodgson”) appeared.

No one appeared on behalf of Belco Holdings Inc. formerly operating Turtle Bay Marine Pub. By letter dated July 26, 2000, Stewart Smith, on behalf of Belco Holdings Inc. advised that he would not be attending the hearing to represent Belco Holdings Inc. stating that Belco Holdings was not the employer of Hodgson but rather that a numbered company was in fact the employer.

OVERVIEW

This is an appeal by Belco Holdings Inc. formerly operating Turtle Bay Marine Pub (“Belco”) pursuant to Section 112 of the *Employment Standards Act* (the “Act”) from a determination issued by a Delegate of the Director of Employment Standards (the “Director”) on April 10, 2000, under file Number ER 048-893 (the “Determination”).

The Director’s delegate determined that Timothy Hodgson (“Hodgson”) was entitled to compensation for length of service i.e. normal wages plus statutory holiday pay thereon and interest in the total amount of \$776.15.

Notwithstanding that since the initial claim was filed by Hodgson, investigated by the Director and appealed by Stewart and Sandy Smith on behalf of Belco Holdings Inc., the Smiths responded on behalf of Belco Holdings Inc. as Hodgson’s employer, just a few days prior to the hearing they took the position that Belco Holdings Inc. was not the employer and did not appear. The employer i.e. Belco Holdings Inc. formerly operating Turtle Bay Marine Pub, is therefore deemed to have abandoned the appeal.

ORDER

I hereby order that the Determination dated April 10, 2000, be confirmed.

Cindy J. Lombard
Adjudicator
Employment Standards Tribunal