

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-

Royal Canadian Meat Products Ltd.

(the “employer”)

- of a Determination issued by -

The Director of Employment Standards

(the “Director”)

ADJUDICATOR: Kenneth Wm. Thornicroft

FILE No.: 1999/303

DATE OF HEARING: August 11th, 1999

DATE OF DECISION: August 18th, 1999

DECISION

APPEARANCES

No appearance for Royal Canadian Meat Products Ltd.

Edward E. Bowes Legal Counsel for Pyong Yol Pak

No appearance for the Director of Employment Standards

OVERVIEW

This is an appeal brought by Royal Canadian Meat Products Ltd. (the “employer”) 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 26th, 1999 under file number 086-456 (the “Determination”).

The Director’s delegate determined that the employer owed two former employees, Pyong Yol Pak (“P.Y. Pak”) and Soon Nam Pak (“S.N. Pak”), the sums of \$12,026.84 and \$72.21, respectively, on account of unpaid wages and interest. Further, by way of the Determination, a \$0 penalty was also levied pursuant to section 98 of the *Act* and section 29 of the *Employment Standards Regulation*.

The employer appealed the Determination only insofar as it related to P.Y. Pak. The employer’s appeal was set for hearing at 9:00 A.M. on August 11th, 1999 but the employer did not appear at the hearing.

I am advised by counsel for P.Y. Pak that he spoke with the employer’s legal counsel late in the afternoon of August 10th, 1999 and was advised by employer’s counsel that the employer did not intend to proceed with its appeal. To date, the Tribunal has not received any formal notification from the employer, or its counsel, that it wishes to withdraw its appeal.

In any event, the employer did not attend the appeal hearing and in light of the representations made to me by counsel for P.Y. Pak, I find that this appeal ought to be dismissed as abandoned.

ORDER

Pursuant to section 115 of the *Act*, I order that the Determination be confirmed as issued. Accordingly, the awards made in favour of Pyong Yol Pak and Soon Nam Pak, in the amounts of \$12,026.84 and \$72.21, respectively, are confirmed together with whatever additional interest that may have accrued, pursuant to section 88 of the *Act*, since the date of issuance.

Kenneth Wm. Thornicroft
Adjudicator
Employment Standards Tribunal