

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 -

Stephen Vickers
("Vickers")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Kenneth Wm. Thornicroft
FILE NO.: 97/209
DATE OF HEARING: July 23rd, 1997
DATE OF DECISION: August 7th, 1997

DECISION

APPEARANCES

Stephen C. Vickers	on his own behalf
Aiyaz A. Alibhai	Counsel for Jackpine Forest Products Ltd.
No appearance	for the Director of Employment Standards

OVERVIEW

This is an appeal brought by Stephen C. Vickers (“Vickers”) pursuant to Section 112 of the *Employment Standards Act* (the “Act”) from a Determination issued by the Director of Employment Standards (the “Director”) on March 17th, 1997 under file number 060376 (the “Determination”). The Director determined that Jackpine Forest Products Ltd. Operating as JP Doors & Windows (“JP” or the “employer”) did not contravene the *Act* as alleged by Vickers and, therefore, dismissed Vickers complaint concerning alleged unpaid wages.

The appeal hearing in this matter was held in Vancouver, B.C. on July 23rd, 1997. Both the appellant and the employer attended the hearing; the Director did not attend the hearing.

After hearing some evidence from Vickers, I adjourned the hearing so that the parties could endeavor to reach some sort of agreement as to what, if any, unpaid commissions were owing to Vickers.

ORDER

When the hearing reconvened, Vickers acknowledged that each of the nine commission claims set out in the addendum to section C of the appellant’s Appeal of Determination, “Item #3-Commissions paid previously” (nine items), had, in fact, been paid, and thus, Vickers was withdrawing his appeal with respect to those particular commission claims only.

The parties then agreed to adjourn the appeal hearing with respect to the balance of the commission claims, as well as the claims for vacation and statutory holiday pay, pending a settlement conference between the parties. This settlement conference is to take place on or before August 31st, 1997. In the event that the parties are not able to resolve the matter between themselves, Vickers is at liberty to set this matter down for further hearing (by notifying the Tribunal) with respect to any monetary issues remaining in dispute between the parties.

Ken Wm. Thornicroft, Adjudicator
Employment Standards Tribunal