

An appeal

- by -

W.D. World Travel Ltd.
("World Travel")

- 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: Lorne D. Collingwood

FILE No.: 2001/221

DATE OF HEARING: June 18, 2001

DATE OF DECISION: July 16, 2001

DECISION

OVERVIEW

W. D. World Travel Ltd. (who will in this decision be referred to as both “World Travel” and “the appellant”) appealed, pursuant to section 112 of the *Employment Standards Act* (“the *Act*”), a February 20, 2001 Determination by a delegate of the Director of Employment Standards (“the Director”). The Determination is that World Travel has not complied with the *Act* and that Catia Vescovi, World Travel’s former employee, is owed \$424.21 in wages and interest.

The Tribunal set a date for a hearing in the appeal. The appellant failed to attend that hearing. The appeal has been dismissed pursuant to section 114 of the *Act*.

APPEARANCES:

Catia Vescovi on her own behalf

Michael Fu the Director’s delegate

FACTS AND ANALYSIS

The appeal was filed by Gregory J. Wittig, the owner of World Travel. The Tribunal invited written submissions in respect to the appeal and, on receiving the appellant’s written submissions, it was decided that an oral hearing was required. By notice dated May 17, 2001, the parties were advised of the time and place of the hearing, that being 9:00 a.m., June 18, 2001 at Library Square, 8th Floor - 360 West Georgia Street in Vancouver.

The appellant did not appear at the hearing. Vescovi and the delegate did attend the hearing. I kept them waiting 25 minutes in the hope that the appellant would appear but it was to no avail.

It is now June 20, 2001. Nothing has been heard from the appellant. There is no explanation for its absence on the 18th.

I have read the appellant’s written submissions and, having done so, it is not apparent to me that the Determination is in error in any substantive way.

The Tribunal may dismiss an appeal which is vexatious and/or not in good faith.

- 114** (1) The tribunal may dismiss an appeal without a hearing of any kind if satisfied after examining the request that

(c) the appeal is frivolous, vexatious or trivial or is not brought in good faith.

I am led to believe that this appeal is likely one which is vexatious, or not in good faith, or both. It is inconceivable to me that an appellant who is genuinely concerned by a Determination, and sincerely interested in an appeal, would fail to attend any hearing set in the appeal and then fail to offer any explanation for its absence.

ORDER

I order, pursuant to section 115 of the *Act*, that the Determination dated February 20, 2001 be confirmed in the amount of \$424.21 and to that amount I add whatever further interest has accrued pursuant to section 88 of the *Act*.

Lorne D. Collingwood
Adjudicator
Employment Standards Tribunal