

An appeal

- by -

SBH Enterprises Ltd. operating as Shanghai Shin Ya Restaurant
("SBH")

- 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.: 2001/293

DATE OF HEARING: July 11, 2001

DATE OF DECISION: July 16, 2001

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 probably 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 not attend a hearing when one is set in its appeal and not then bother to offer some sort of explanation for its absence.

ORDER

I order, pursuant to section 115 of the *Act*, that the Determination dated March 20, 2001 be confirmed in the amount of \$377.21 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