

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 -

Judy Harvey and Melvin Martin
operating as The Sportsman Country Inn
(the “Employer”)

- of a Determination issued by -

The Director of Employment Standards
(the “Director”)

ADJUDICATOR: Ib S. Petersen

FILE No.: 2000/583

DATE OF DECISION: September 27, 2000

DECISION

SUBMISSIONS

Ms. Judy Harvey	on behalf of the Employer
Ms. Ann Glenn-Ragan	on behalf of herself
Ms. Jeanette Burns	on behalf of herself
Mr. Rod Bianchini	on behalf of the Director

This is an application by the Employer pursuant to Section 113 of the *Employment Standards Act* (the “*Act*”), for a suspension of a Determination of the Director of Employment Standards (the “Director”) issued on May 10, 2000. The request is opposed by the Director, and by Ms. Glenn-Ragan, and Ms. Jeanette Burns, employees.

The application is based on the following. I understand that the Director has taken steps to collect on the Determination amount and has issued a garnishment order on the Appellant Employer’s bank account. The Appellant says that creates a hardship and states that the account is “already overdrawn and there are no funds available.” Apart from this, there are no particulars supporting the application. The delegate says that a hearing originally scheduled for August 18, 2000 was adjourned at the request of a representative of the Employer and that no collection action was taken at that time. The delegate also says that subsequently information was received that the Appellant was “re-routing funds away from the operation into another company” and that the owners are actively looking towards selling the operation. The Employee agrees with the delegate. The Employer does not respond to the submissions of the delegate and the Employee. I understand that a hearing has been scheduled for early October. In the circumstances, I am of the view that the Appellant has not satisfied the onus that the Determination should be suspended.

ORDER

The application for a suspension of the Determination is denied.

Ib Skov Petersen

Ib Skov Petersen
Adjudicator
Employment Standards Tribunal