

An appeal

- by -

Platinum Express 1HR Printing Inc.
(the "Employer")

- 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: Mark Thompson

FILE No.: 2001/155

DATE OF HEARING: August 8, 2001

DATE OF DECISION: August 14, 2001

DECISION

OVERVIEW

This is an appeal by Platinum Express 1HR Printing Inc. (the “Employer”) under Section 112 of the *Employment Standards Act* (the “Act”) against a Determination by a delegate of the Director of Employment Standards (the “Director”), dated January 26, 2001. The Determination found that the Employer owed regular wages and vacation pay to a former employee, Jinling Dorris Du (“Du”) in the amount of \$520.02, plus interest. The Determination further found that Tony Seo (“Seo”) was a director/officer of the Employer when the wages were earned and became payable.

The Tribunal scheduled a hearing for this appeal to take place on August 8, 2001 at 9:00 a.m. at its offices in Library Square, 8th Floor, 360 West Georgia St., Vancouver. Both the Employer (including Seo) and Du were notified of the time and place of the hearing, but did not attend. No one offered any explanation for the failure to attend.

ANALYSIS

The Tribunal has previously addressed the issue of the effect of non-appearance and has decided that when the appellant fails to appear, the appeal will be dismissed and the Determination confirmed. See *Almeida (c.o.b.) Hair Mate and Rapture Hair Design*, [1997] Bcest No. D458/97. In this case neither party appeared. After examining the written files, I found no evidence that had not been available to the Director’s delegate, although the parties at the hearing might have shed new light on that material. The Director’s delegate argued that no new evidence or points of law were raised by the appeal. In these circumstances, no basis for varying the Determination existed.

ORDER

For these reasons, I order the Determination be confirmed pursuant to Section 115 of the *Act*.

Mark Thompson
Adjudicator
Employment Standards Tribunal