

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 -

Villa Agencies Inc. and Go Transport Ltd.
(Associated Corporations)
(the "Employer")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

ADJUDICATOR: Hugh R. Jamieson

FILE No.: 2000/436

DATE OF DECISION: October 26, 2000

DECISION

OVERVIEW

This decision deals with the final calculations of the amounts of wages owing by the Employer to Mr. Paul Quinn and also to Mr. Christopher Rasmussen. These matters first came to the Tribunal by way of appeals by the Employer against two Determinations dated April 16, 1999, wherein it was found that wages were owed to Mr. Quinn in the amount of \$7,866.49 and to Mr. Rasmussen in the amount of \$2,105.12. These appeals were heard by this Adjudicator on October 1, 1999, the core issue then being the hourly wage rate to be used by the Director for the purpose of the calculation of overtime hours worked by Messrs. Quinn and Rasmussen. At the outset of the hearing, the parties agreed that I would determine the proper regular wage rate and that the Determinations then be referred back to the Director for recalculation of the amounts owing.

Accordingly, after a finding that the regular wage rate was \$10.00 per hour for both employees, as reflected in Tribunal Decision BC EST #D435/99, which is dated October 19, 1999, these matters were referred back to the Director for recalculation of the amounts owing.

This referral back to the Director was framed in BC EST #D435/99 as follows:

“Pursuant to Section 115 of the Employment Standards Act, both Determinations in question are hereby referred back to the Director for the purpose of recalculating the amount due to both employees on the basis of a regular wage of \$10.00 per hour. Overtime hours worked, hours worked on statutory holidays and accrued interest, will be adjusted accordingly.”

NEW FACTS

On June 20, 2000, the Director returned these matters to the Tribunal indicating that the above order had been complied with and that the recalculations had been made. Apparently, during this process, the Employer produced cancelled cheques showing that vacation pay had been paid to Messrs. Quinn and Rasmussen. This was taken into account by the Director and the amounts owed after the recalculations are, Paul Quinn - \$5,176.45; Christopher Rasmussen - \$10,895.07.

It can also be noted that on July 26, 2000 and August 8, 2000 respectively, Counsel acting for Christopher Rasmussen and Paul Quinn, both indicated agreement and acceptance of these amounts.

ORDER

Pursuant to Section 115 of the Employment Standards Act, (the Act), and further to Decision BC EST #D435/99, the original Determinations dated April 16, 1999, are hereby varied to show that the Employer owes wages in the amount of \$5,176.45 to Paul Quinn and \$10,895.07 to Christopher Rasmussen, plus any interest accruing pursuant to Section 88 of the Act.

Hugh R. Jamieson

Hugh R. Jamieson

Adjudicator

Employment Standards Tribunal