

**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-

Patricia A. LaBelle

(“LaBelle”)

- of a Determination issued by -

The Director of Employment Standards

(the “Director”)

**ADJUDICATOR:** Kenneth Wm. Thornicroft

**FILE No.:** 97/457

**DATE OF HEARING:** September 22nd, 1997

**DATE OF DECISION:** October 6th, 1997

**DECISION**

**APPEARANCES**

No appearance for Patricia A. LaBelle  
Hilda Stewart on her own behalf  
No appearance for the Director of Employment Standards

**OVERVIEW**

This is an appeal brought by Patricia A. LaBelle (“LaBelle”) pursuant to section 112 of the *Employment Standards Act* (the “Act”) from a Determination issued by the Director of Employment Standards (the “Director”) on May 23rd, 1997 under File No. 081641 (the “Determination”).

The Director determined that Hilda Stewart was not an employer of Ms. LaBelle during the period April 1995 to March 1997 and, accordingly, did not owe Ms. LaBelle any wages. The Director found that during this period, LaBelle was merely a “rent free occupant” in a house formerly occupied by Ms. Stewart’s mother.

The Director also dismissed LaBelle’s complaint spanning the period from September 1994 to April 1995 on the basis that, during this period, LaBelle was a “sitter” as defined in the *Employment Standards Regulation* and thus, by reason of section 32(1)(c) of the *Regulation*, was excluded from the *Act*.

The appeal in this matter was scheduled to be heard at the Tribunal’s Vancouver offices on September 22nd, 1997. Although Ms. Stewart attended, LaBelle (despite having been served with notice of the hearing) did not; nor did LaBelle telephone the Tribunal or otherwise contact the Tribunal to advise as to the reason for her failure to appear at the appeal hearing.

Accordingly, I am satisfied that Ms. LaBelle has, by her failure to appear, abandoned her appeal. In any event, and based on the written submissions filed with the Tribunal by Ms. LaBelle prior to the hearing, I am not satisfied that there is any proper basis for setting aside the Determination. In my view, based on my review of the material before me, the Director’s conclusions of fact and law are entirely supported by the evidence submitted by the parties.

**ORDER**

Pursuant to section 115 of the *Act*, I order that the Determination be confirmed as issued.

---

**Kenneth Wm. Thornicroft, *Adjudicator***  
**Employment Standards Tribunal**