



October 22, 1998

Tribunal File Numbers: 97/400  
97/401  
97/402

TO INTERESTED PARTIES

Re Employment Standards Act -Part 13  
Appeal of Determinations issued by the Director of Employment Standards dated April 28, 1997 and varied August 26, 1997  
Karen L. Culley -and- Valco Discount Club Inc.  
Kelly-Deschambault-Wills -and- Valco Discount Club Inc.  
Lyn Savage -and- Valco Discount Club Inc.  
Decision Number: D489/98

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This letter sets out the Tribunal's decision regarding what, if any, wages are owed by Valco Discount Club Inc. ("Valco") to Karen Culley ("Culley"), Kelly Deschambault- Wills (Deschambault- Wills") and Lyn Savage ("Savage").

On July 8, 1998, the Tribunal issued Decision BC EST #D319/98 in connection with the above-noted appeals which included the following Order:

Pursuant to Section 115 of the Act, I order that the Determinations issued on August 26, 1997, be referred back to the Director of Employment Standards for further investigation and, if necessary, the issuance of varied Determinations.

In essence, the Determinations were referred back to the Director of Employment Standards to determine what, if any, wages were owed to Culley, Deschambault- Wills and Savage by Valco.

The Tribunal received two submissions (dated August 25, 1998 and September 24, 1998) from a delegate of the Director of Employment Standards. The Director's delegate found, following her investigation, that Culley, Deschambault- Wills and Savage were owed respectively \$1,278.65, \$6,898.49 and \$10,207.12 (including interest calculated to September 24, 1998).

In a letter dated September 29, 1998, the Tribunal invited the other parties to reply to the submissions of the Director's delegate by no later than 4:00 p.m. October 20, 1998. The parties were also advised that the matter before the Tribunal may be decided based solely on written submissions and that an oral hearing may not necessarily be held and, further, that the Determinations would either be confirmed, varied, cancelled or referred back to the Director of Employment Standards.

The Tribunal did not receive any replies from the other parties.

This appeal has been decided based on the written submissions received by the Tribunal.

I have considered the submissions made by the Director's delegate. I find no basis to alter her conclusions on *quantum*. Accordingly, the following Order is made:

ORDER

Pursuant to Section 115 of the *Employment Standards Act*, and further to Tribunal Decision BCEST #D319/98, I order that the Determinations dated August 26, 1998 be varied to show that Culley, Deschambault- Wills and Savage are owed the following amounts by Valco plus, pursuant to Section 88 of the Act, any further interest accumulated since September 25,1998:

Culley- \$1,278.65.

Deschambault- Wills -\$6,898.49.

Savage- \$10,207.12.

**Norma Edelman**  
**Registrar**  
**Employment Standards Tribunal**

Interested Parties:

Valco Discount Club Inc.

Karen L. Culley

Kelly-Dechambault- Wills

Lyn Savage

Director of Employment Standards (Officer: Wayne Mackie)