

An appeal

- by -

Jagiwan Singh Ranauta, a Director and Officer of J. K. Painting Ltd.
(“Ranauta”)

- 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: April D. Katz

FILE No.: 2001/482

DATE OF DECISION: September 18, 2001

DECISION

APPEARANCES:

Jagiwan Singh Ranauta	on behalf of Jagiwan Singh Ranauta.
Nav Kambo and Harpreet Kambo	on behalf of Harpreet Kambo
Jim McPherson	on behalf of the Director

OVERVIEW

In a Determination dated June 4, 2001 J. K. Painting Ltd. (“J. K. Painting”) was found to owe Harpreet Kambo (“Kambo”) \$3,040.34 in regular pay, overtime pay, statutory holiday pay and holiday pay. In a separate Determination dated the same day J. K. Painting’s sole director, Jagiwan Singh Ranauta, (“Ranauta”) was found personally liable for two month’s pay, \$2995.14.

Ranauta filed the same appeal for both Determinations disputing the Director’s reliance on Kambo’s records.

This decision is based on the written submissions.

ARGUMENT

J. K. Painting argues that the Director did not consider J. K. Painting’s records.

Kambo submits that Ranauta’s appeal documents do not show a ground for appeal and that this appeal is merely a delay tactic to avoid paying the money due to Kambo.

ISSUE

Does this appeal provide any grounds for appeal?

FACTS

The appeal does not dispute the finding that Ranauta is the sole director of J. K. Painting which employed Kambo. The appeal disputes the reliance on the Kambo’s records and not J. K. Painting’s records but does not dispute the calculations.

ANALYSIS

The onus is on the appellant in an appeal of a Determination to show on a balance of probabilities that the Determination ought to be varied or cancelled. The Determination clearly sets out the two grounds of appeal for a Director or Officer who disputes a finding of personal liability. The Appeal does not address either ground of appeal.

CONCLUSION

I find based on the evidence presented Ranauta has not provided evidence in support of an appeal. The Determination is confirmed.

ORDER

Pursuant to section 115 of the *Act*, the Determination dated June 4, 2001 is confirmed.

April D. Katz
Adjudicator
Employment Standards Tribunal