

An appeal

- by -

Malcolm Dean

- 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:** Norma Edelman

**FILE No.:** 2002/478

**DATE OF DECISION:** November 5, 2002

## DECISION

This matter arises out of a referral back to the Director of Employment Standards (the "Director") in Tribunal Decision BC EST #D374/02. In that Decision the Adjudicator concluded that Dayliter Skylights & Installations Ltd. ("Dayliter") owed Malcolm Dean ("Dean") compensation for length of service and she referred the matter back to the Director to calculate the compensation.

On September 10, 2002 the Tribunal received a report from the Director's delegate stating that Dean was owed \$4,449.16 including interest.

The Tribunal forwarded the delegate's report to the parties and they were invited to reply to it.

Dean's representative replied that the amount was accurate. No reply was received from Dayliter.

This matter has been decided based on the written submissions of the parties.

I have reviewed the delegate's calculations and I find no reason to conclude that they are in error. Accordingly, I accept that Dean is owed the amount calculated by the delegate in his September 10, 2002 report and as a result the Determination will be varied to reflect that amount

## ORDER

Pursuant to Section 115 of the Employment Standards Act (the "Act") and further to Tribunal Decision BC EST #D374/02 I order that the Determination dated March 28, 2002 be varied to show Dean is owed \$4,449.16 plus any other interest accumulated pursuant to section 88 of the Act since September 10, 2002.

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**Norma Edelman**  
**Vice-Chair**  
**Employment Standards Tribunal**