

**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 -

D.F. Wood & Associates Inc.

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** John M. Orr

**FILE No:** 1999/588

**DATE OF HEARING:** December 06, 1999

**DATE OF DECISION:** December 08, 1999

**DECISION**

**APPEARANCES:**

Anne Wood and David Wood                    on behalf of D.F. Wood & Associates Inc.

Ray Stea    Delegate of the Director

**OVERVIEW**

This is an appeal by D.F. Wood & Associates Inc. ("Wood Inc.") pursuant to Section 112 of the Employment Standards Act (the "*Act*") from a Determination (ER# 93118) dated September 09, 1999 by the Director of Employment Standards (the "Director").

James E. Forsyth ("Forsyth") claimed that he was employed by Wood Inc in May and June 1998 as a manager in a security business being set-up by Wood Inc. Forsyth claimed that he was hired on as a manager at a rate of \$3,500.00 per month and that he worked from May 18, 1998 to July 05, 1998. Wood Inc's position was that Forsyth was engaged to work as a commissioned sales agent commencing when the new company acquired its licence from the Provincial Government. They claim they did not get their licence until June 29, 1998 and did not become incorporated until July 14, 1998.

The Director's delegate relied upon a security identification card produced by Forsyth, and allegedly issued by the Company, to find that the Licence was in place and that Forsyth was employed during the time he claimed. The delegate then made the Determination based on the information provided to him by Forsyth.

**THE FACTS AND ANALYSIS**

Forsyth did not attend the hearing of this appeal and it was apparent on the material produced by the appellant that the information provided by Forsyth to the delegate was false, inaccurate, or fraudulent. Wood Inc. submitted that the Determination should be cancelled and the Director's delegate concurred in this submission.

**ORDER**

Pursuant to Section 115 of the *Act* I order that the Determination is cancelled.

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John M. Orr  
Adjudicator  
**Employment Standards Tribunal**