

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of appeals pursuant to Section 112 of the
Employment Standards Act R.S.B.C. 1996, c. 113

- by -

Maple Garden Restaurant (Coquitlam) Ltd.
(the “appellant”)

- of Determinations issued by -

The Director of Employment Standards
(the “Director”)

ADJUDICATOR: Sherry Mackoff

FILE N0s.: 98/561, 98/562 and 98/612

DATE OF HEARING: November 25, 1998

DATE OF DECISION: November 26, 1998

DECISION

The appellant Maple Garden Restaurant (Coquitlam) Ltd. (the “appellant”) appeals, pursuant to section 112 of the *Employment Standards Act* (the “Act”), from three Determinations issued by a delegate of the Director of Employment Standards. One Determination, dated July 29, 1998, found that Mr. Garry Kwong was entitled to compensation for length of service and ordered the appellant to pay Mr. Kwong \$4678.60. Another Determination, also dated July 29, 1998, found that Mr. Li Quan Ru was entitled to compensation for length of service and ordered the appellant to pay Mr. Ru \$1974.02. The third Determination, dated August 28, 1998, found that Mr. Garry Kwon (sic) was entitled to vacation pay and ordered the appellant to pay the sum of \$2907.25.

The Employment Standards Tribunal scheduled a hearing for these three appeals to take place on Wednesday, November 25, 1998 at 9:00 a.m. at 8th Floor - 360 West Georgia Street, Vancouver, British Columbia.

I convened the hearing at approximately 9:00 a.m. In attendance at that time were Mr. Garry Kwong, Mr. Li Quan Ru, Ms. Cook, the delegate of the Director of Employment Standards, Mr. Tan, an interpreter, and Mr. Wang, an observer. No representative of the appellant was in attendance.

Because the appellant was not present at 9:00 a.m. I told those present that I would reconvene at 9:30 a.m.

The purpose of the adjournment was to give the appellant additional time to attend.

During the latter part of the adjournment, as the appellant had not appeared, I checked to see if the appellant had left a message with the office of the Employment Standards Tribunal. There was no message.

I reconvened the hearing. At approximately 9:30 a.m. no representative of the appellant had appeared.

As the appellant failed to appear at the hearing of its three appeals, and as I told those present, the appeals are dismissed as abandoned.

In summary, the appellant failed to appear at the hearing of its three appeals. Accordingly, the appeals are dismissed.

ORDER

I order, pursuant to section 115 of the *Act*, that the two Determinations, dated July 29, 1998, and the Determination, dated August 28, 1998, be confirmed, together with whatever further interest may have accrued since issuance pursuant to section 88 of the *Act*.

Sherry Mackoff
Adjudicator
Employment Standards Tribunal