

An appeal

- by -

Bakehaus Bakery Ltd.
("Bakehaus")

- 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: David B. Stevenson

FILE No.: 2001/500

DATE OF HEARING: September 19, 2001

DATE OF DECISION: October 22, 2001

DECISION

APPEARANCES:

on behalf of Bakehaus Bakery Ltd.	No one appearing
on behalf of the individual	In person

OVERVIEW

This is an appeal pursuant to Section 112 of the *Employment Standards Act* (the “*Act*”) by Bakehaus Bakery Ltd. (“Bakehaus”) of a Determination that was issued on June 14, 2001 by a delegate of the Director of Employment Standards (the “Director”). The Determination concluded that Bakehaus had contravened Part 3, Section 18(1), Part 4, Section 40 and Part 8, Section 63(1) of the *Act* in respect of the termination of the employment of Bryan Grant (“Grant”) and ordered Bakehaus to cease contravening and to comply with the *Act* and to pay an amount of \$388.93.

In its appeal, Bakehaus submitted the Director had erred in finding that Grant had been terminated without notice. Bakehaus alleged Grant had quit. Bakehaus also contended that Grant’s claim for overtime was not credible.

The hearing of this appeal was scheduled to commence at 9:00 am, September 19, 2001 in Kelowna. The hearing notice was issued on August 22, 2001. I am satisfied it was received by Bakehaus. At the time appointed to commence the hearing, the employee, Grant, was present. No representative of the appellant, Bakehaus, had appeared. I delayed commencement of the hearing until 9:10 am, called the hearing to order and adjourned the hearing until 9:25 am. No one appeared on behalf of the appellant, Bakehaus. The hearing was recommenced.

ANALYSIS

This appeal is based on disagreements by Bakehaus with conclusions of fact made by the Director in the Determination and an allegation that Grant’s overtime claim was not credible. The burden in this appeal is on Bakehaus to persuade the Tribunal that the Determination is wrong. The failure of Bakehaus to appear effectively means they have failed to satisfy their burden and the appeal is dismissed.

ORDER

Pursuant to Section 115 of the *Act*, I order the Determination dated April 10, 2001 be confirmed in the amount of \$388.93, together with any interest that has accrued pursuant to Section 88 of the *Act*.

David B. Stevenson
Adjudicator
Employment Standards Tribunal