

An appeal

- by -

George Faye and Wendy Fillion operating as Bridge Lake Store (the "Employer")

- 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: Ib S. Petersen

FILE No.: 2001/557

DATE OF HEARING: November 6, 2001

DATE OF DECISION: November 7, 2001





DECISION

APPEARANCES:

Mr. Nigel Stewart

on behalf of himself

FACTS AND ANALYSIS

This is an appeal by the Employer pursuant to Section 112 of the *Employment Standards Act* (the "*Act*"), against a Determination of the Director of Employment Standards (the "Director") issued on July 12, 2001. The Determination concluded that the Employer owed Nigel Stewart \$4,345.46 on account of wages, vacation pay and interest.

The Employer takes issue with the delegate's conclusions. The Employer says that the factual basis for the Determination is wrong. A hearing was held on May 30, 2001. Stewart and a witness appeared at the hearing. The Employer, the appellant in this matter, has the burden to prove the Determination wrong. Although duly notified, the Employer did not appear at the hearing. In the result, I consider that the appeal has been abandoned and dismiss it.

Even if I am wrong with respect to the above, I would still dismiss the appeal. At the hearing, Stewart testified under affirmation that he worked for the Employer and confirmed the facts found in the Determination. In the result, the appeal is dismissed.

ORDER

Pursuant to Section 115 of the Act, I order that Determination in this matter, dated July 12, 2001 be confirmed.

Ib S. Petersen Adjudicator Employment Standards Tribunal