

An appeal

- by -

Sharon Zachariuk operating Sharon's Personalized Cleaning  
("Zachariuk")

- 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.:** 01/381

**DATE OF HEARING:** November 15, 2001

**DATE OF DECISION:** November 16, 2001

## DECISION

### APPEARANCES:

Jade Russell

on her own behalf

### OVERVIEW

This is an appeal by Sharon Zachariuk operating Sharon's Personalized Cleaning ("Zachariuk") pursuant to Section 112 of the Employment Standards Act (the "Act") of a Determination issued by a delegate of the Director of Employment Standards on April 23, 2001. The delegate found that Zachariuk owed Jade Russell ("Russell") regular wages and vacation pay in the amount of \$332.80 and compensation for length of service in the amount of \$169.75. Zachariuk appealed on the ground that she is not liable for compensation for length of service and only owes Russell \$108.00 in wages.

### ANALYSIS

The Appellant, Zachariuk, bears the onus of showing that the Determination is incorrect.

Since this appeal involved reviewing facts and assessing credibility, it was set down for an oral hearing.

The Tribunal scheduled an oral hearing to take place at 9:00 a.m. on November 15, 2001 at its Vancouver offices. The parties were sent a notice of hearing which included the following statement: "If the Appellant fails to attend the hearing, the Tribunal will consider the appeal to be abandoned."

Although duly notified, Zachariuk did not attend the hearing and offered no explanation for her failure to attend. No one else appeared on behalf of the company and there was no request for an adjournment. Russell did attend the hearing.

I waited one hour before commencing the hearing as there had been an accident on the Port Mann Bridge and this may have caused the Appellant to be late. I confirmed with the Tribunal's office that the Appellant had not contacted it. When the hearing commenced, I ordered that Zachariuk's appeal be dismissed on the ground she had abandoned the appeal. The Determination is confirmed given there was no evidence before me upon which I could reasonably conclude that the findings set out in the Determination were incorrect.

**ORDER**

I order under Section 115 of the Act that the Determination dated April 23, 2001 be confirmed in the amount of \$515.75, plus any further interest accruing under Section 88 of the Act.

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**Norma Edelman**  
**Adjudicator**  
**Employment Standards Tribunal**