

January 30, 2019

110904-021/LTKS

Saskatchewan Labour Relations Board
1600 – 1920 Broad Street
Regina, SK S4P 3V2

Attention: Fred Bayer, Board Registrar

Via Email and Purolator

Dear Sir:

**Re: LRB File No. 166-18: Got Mold Disaster Recovery Services Inc. v. Jason Forwood
WA #9152 \$21,106.31**

Further to the above captioned matter, please find enclosed the following documents:

- 1) Decision dated January 30, 2019; and
- 2) Statement of Account dated January 30, 2019.

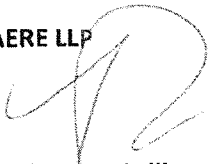
Now that the Wage Assessment had been completed, Mr. Watson, the Employer, wants to ensure Mr. Forwood is paid. As it is a sizeable amount, he wishes to make installment payments, likely on a weekly basis. I indicated that was out of my sphere and that he should be in touch with your Department to make those arrangements. It was clearly explained to him by Mr. Schmidt that all monies owing under the Wage Assessment had to be paid to the Department who would then pay Mr. Forwood.

Please note that the cheque should be made payable to Cuelenaere LLP; not Leslie Sullivan. We would also appreciate it if you could put our Invoice number on the cheque.

Yours truly,

CUELENAERE LLP

Per:


Leslie T. K. Sullivan, Q.C.

/vh

Direct Line: (306) 477-7261
Email: lsullivan@cuelenaere.com
Enclosures.

DECISION OF ADJUDICATOR
IN THE MATTER OF AN APPEAL
PURSUANT TO SECTION 2-75 WITH RESPECT TO A DECISION OF
AN EMPLOYMENT STANDARDS OFFICER PURSUANT TO
THE SASKATCHEWAN EMPLOYMENT ACT,
R. S. S. S-15.1 (as amended)

APPELLANT: Got Mold Disaster Recovery Services Inc.

RESPONDENT: Jason Forwood
and
Director of Employment Standards
Ministry of Labour Relations and Workplace Safety

DATE OF HEARING: January 30, 2019

PLACE OF HEARING: Saskatoon, Saskatchewan



DECISION

This is an appeal by Got Mold Disaster Recovery Services Inc. with respect to a Wage Assessment issued by the Respondent, the Director, Employment Standards Branch, Ministry of Labour Relations and Workplace Safety, on July 23, 2018. The Wage Assessment required the Appellant to pay Jason Forwood the sum of \$21,106.31 representing unpaid wages. The Wage Assessment was prepared pursuant to s. 2-74 of *The Saskatchewan Employment Act*, RSS S-15.1 (as amended).

This matter was heard before me on January 30, 2019. The Appellant was represented by James Watson, CEO and Owner of Got Mold Disaster Recovery Services Inc. Present for the Respondent at the Hearing was Dale Schmidt, Department of Employment Standards as well as the employee, Jason Forwood.

The Appeal was perfected as the Wage Assessment was served on the Employer on July 25, 2018. The appeal was filed on Aug 1, 2018 and the deposit provided on August 9, 2018.

The hearing commenced with a review of the potential issues. Many documents and written materials were submitted by both the Employer and the Employee. A lengthy discussion took place wherein the Employer and Employee reviewed spreadsheets in order to revisit the amount of the Wage Assessment. To be fair, some of these numbers had not been available until the hearing was underway. In the end, the parties were able to agree to a recalculation of the Wage Assessment and indeed agreed on the proper amount.

The Appeal is upheld, with a variation in Wage Assessment (No. 9152) to the sum of \$11,883.28.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 28th day of January 2019.



Leslie T.K. Sullivan, Q.C.
Adjudicator

The Parties are hereby notified of their right to appeal this decision pursuant to Sections 4-8, 4-9 and 4-10 of

The Saskatchewan Employment Act (the "Act").

The information below has been modified and is applicable only to Part II and Part IV of the Act. To view the entire sections of the legislation, the Act can be accessed at www.saskatchewan.ca.

Right to appeal adjudicator's decision to board

4-8(1) An employer, employee or corporate director who is directly affected by a decision of an adjudicator on an appeal or hearing pursuant to Part II may appeal the decision to the board on a question of law.

(3) A person who intends to appeal pursuant to this section shall:

(a) file a notice of appeal with the board within 15 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

(4) The record of an appeal is to consist of the following:

(a) in the case of an appeal pursuant to Part II, the wage assessment or the notice of hearing;

(c) the notice of appeal filed with the director of employment standards pursuant to Part II;

(d) any exhibits filed before the adjudicator;

(e) the written decision of the adjudicator;

(f) the notice of appeal to the board;

(g) any other material that the board may require to properly consider the appeal.

(5) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order being appealed unless the board orders otherwise.

(6) The board may:

(a) affirm, amend or cancel the decision or order of the adjudicator; or

(b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board

Appeal to Court of Appeal

4-9(1) With leave of a judge of the Court of Appeal, an appeal may be made to the Court of Appeal from a decision of the board pursuant to section 4-8 on a question of law.

(2) A person, including the director of employment standards, intending to make an appeal to the Court of Appeal shall apply for leave to appeal within 15 business days after the date of service of the decision of the board.

(3) Unless a judge of the Court of Appeal orders otherwise, an appeal to the Court of Appeal does not stay the effect of the decision being appealed.

Right of director to appeal

4-10 The director of employment standards has the right:

(a) to appear and make representations on:

(i) any appeal or hearing heard by an adjudicator; and

(ii) any appeal of an adjudicator's decision before the board or the Court of Appeal;

and

(b) to appeal any decision of an adjudicator or the board.