

Decision of Adjudicator in the Matter of an Adjudication pursuant to
Sections 2-75 and 4-6 of *The Saskatchewan Employment Act*
LRB File No. 005-25
Wage Assessment No. 1-000912



APPEALLANT: Cathedral Social Hall Inc. ("Cathedral")
Dwayne Walbaum, Director and,
Lorne Kopan, Controller and Appellant Representative

RESPONDENTS: Cristian Moga and the Director of Employment Standards represented by Andrew Langgard.

i. Introduction

I was appointed Adjudicator for this appeal on March 12, 2025. On March 21, 2025, I requested the Ministry to forward to me all relevant appeal documents so that I could determine if Section 2-75 of *The Saskatchewan Employment Act* had been met.

ii. The Dispute

On March 24, 2025, I received two emails from Andrew Langgard, Employment Standards Officer. The first email had several attachments:

- a. Preliminary Matter Submission document. This document submitted by the Director of Employer Standards provides the list of relevant documents pertaining to the Appeal.
 - i. Affidavit of Service of the Wage Assessment on the employer dated December 12, 2024.
 - ii. Copy of employer \$500 cheque dated January 2, 2025.
 - iii. Copy of the Ministry's Payment Log Sheet and payment receipt for deposit cheque dated January 7, 2025.
 - iv. Copy of employer's fax transmittal sheet and written grounds of appeal dated January 6, 2025, and date stamped by the Ministry on January 10, 2025.

The second email had an attachment of the email exchange between Langgard and Kopan, dated January 8, 2025, and January 10, 2025, respectively, regarding the deposit cheque and grounds of appeal.

The Director's preliminary issue submission continues with an allegation that the employer failed to comply with the requirement of Section 2-75(2) and (3) of the Act, which requires an employer to file a written notice of appeal with the Director that sets out the grounds of appeal and the relief requested within 15 business days after the date of service of a Wage Assessment.

On March 24, 2025, after reviewing the documents provided by the Ministry, I emailed the employer and provided an opportunity to respond to the Ministry's submission. I provided a deadline of Friday March 28, 2025, for that response.

On March 28, 2025, I received an email from Lorne Kopan. The email sets out that the Wage Assessment was served on Cathedral on December 12, 2024. While Langgard was delivering the Wage Assessment, he did advise the employer that Christmas holidays and New Year Day affected the appeal timing but did not discuss the actual deadline. Kopan also agrees that Langgard did email him on January 8, 2025, advising that Cathedral had not forwarded their reasons for appeal. At no time did Langgard advise that the appeal would not be accepted even though the 15-business day window had closed on January 7, 2025.

Kopan's response also included several complaints about how Langgard handled the complaint and the subsequent investigation.

iii. Analysis

Chronology of Wage Assessment No. 1-000912

1. Issued to Cathedral Social Hall Inc. on behalf of Cristian Moga, in the amount of \$2,440.83 by the Director of Employment Standards on December 12, 2024.
2. Affidavit of Service sworn by Andrew Langgard that Wage Assessment No. 1-000912 was personally served on December 12, 2024, on Dwayne Walbaum, Director of Cathedral Social Hall Inc.
3. Copy of receipt showing a cheque in the amount of \$500 was received from Cathedral Social Hall Inc. by the Ministry on January 7, 2025.
4. Copy of Employment Standards payment log sheet showing receipt of \$500 deposited on January 7, 2024.
5. Email exchange between Langgard and Kopan on January 8 and 10 of 2025. Langgard advises written reasons for appeal have not been received and Kopan responds by providing written reasons by fax.
6. Cathedral appeal document dated January 6, 2025, and date stamped January 10, 2025, by Ministry.
7. 2-75(2) of the Act provides a 15-business day window for filing an appeal. With the date of service being December 12, 2024, the 15-day window ends with close of business on January 7, 2025.

iv. Decision

Sections 2-75(2) and (3) of *The Saskatchewan Employment Act* clearly lay out the requirement for an appeal to be accepted and a hearing scheduled.

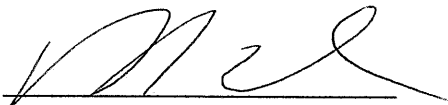
There is no ambiguity regarding the evidence before me. Wage Assessment No. 1-000912 was served on Cathedral Social Hall Inc. on December 12, 2024. Appeal requirements under Section 2-75(2) and (3) of the Act must have been met by close of business on January 7, 2025.

The final piece of the appeal made by Cathedral Social Hall Inc. did not arrive at the Ministry office until January 10, 2025.

I don't understand why the Directors representative emailed the employer after the 15-business day window had closed. That action gave the Employer the impression that providing written reasons would result in the appeal being accepted.

However, under the framework of the Act, I have no jurisdiction to extend the timeframe for applying for an appeal. Therefore, my decision is that the appeal is out of time and is dismissed with the Wage Assessment of \$2,440.83 being upheld.

Dated at Regina in the Province of Saskatchewan, this 7 day of April, 2025.


Ralph Ermel
Adjudicator