

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. 183-25
Wage Assessment No. 1-001010



APPEALLANT: REV Automotive Group Inc. o/a Regina Electric Vehicles
Represented by Aggrey Funn, President

RESPONDENTS: David Nicoll
Represented by Andrew Langgard, Employment Standards Officer

i. Introduction

I was appointed Adjudicator to this file on October 10, 2025. On October 13, 2025, I requested relevant appeal documents from the Ministry to determine jurisdiction as per requirements of Section 2-75 of *The Saskatchewan Employment Act* (the "Act").

On October 14, 2025, I received, by email, from Employment Standards Officer Andrew Langgard, on behalf of the director of Employment Standards, a written submission concerning my jurisdiction along with several exhibits related to the submission.

REV Automotive Group inc. ("REV") was provided the same documentation by cc to his email.

On October 15, 2025, I emailed Aggrey Fynn, President of REV and provided him with the opportunity to respond to the Ministry's contention that I do not have jurisdiction to proceed with then appeal. I allowed REV until Friday October 24, 2025, to provide me with their input.

On October 21, 2025, Mr. Fynn sent me an email with REV's input.

ii. Dispute

The Director, on behalf of the Ministry submits that the Appellant failed to submit the appeal deposit within the 15 business day time frame required by Section 2-75 of the Act; and consequently, this appeal cannot be heard.

1. Evidence for the Director

- a) On August 25, 2025, the Director issued Wage Assessment No. 1-001010 against REV, in the amount of \$5,202.67. The Wage Assessment directed the employer to pay that sum to Mr. Nicoll pursuant to Section 2-75 of the Act.
- b) REV was personally served with a true copy of the Wage Assessment on August 25, 2025.

- c) The Director calculated the 15-business day appeal period pursuant to the Act and determined that the appeal period was from August 16 to September 16, 2025.
- d) REV appealed the Wage Assessment by submitting a \$500 deposit and written grounds of appeal with the Ministry on September 9, 2025.
- e) On September 19, 2025, the Director received notification from RBC Royal Bank that REV's appeal deposit cheque #151 issued from Tangerine Bank had been returned due to "Funds Frozen/Not cleared". On that same day the Director notified REV via email of the bounced cheque and REV submitted a second deposit cheque #002 from Coast Capital Savings, the same day.
- f) On September 25, 2025, the Director was notified by RBC Royal bank that REV's second deposit cheque had not cleared.
- g) On September 25, 2025, REV submitted a third deposit cheque #004 from Coast Capital Savings. The Director confirmed this cheque cleared and was placed in the Directors wage trust account.

2. Evidence of the Employee

- a) Mr. Fynn on behalf of REV states that originally the deposit was offered to the Ministry by either credit or debit card but was told that only payment by cheque was acceptable.
- b) When REV submitted the cheque, they informed the reception desk that it needed to be deposited immediately as the account was closing. REV can show that sufficient funds were available when the cheque was dropped off at the Ministry office.
- c) REV promptly issued a new cheque (002) when notified the first one bounced, and then mistakenly cancelled it after receiving a call from the new bank, thinking the Bank was calling about the first cheque (151).
- d) The third cheque (004) subsequently cleared without issue.
- e) REV believes that had the Ministry deposited the first cheque promptly, the deposit would have been received, within the 15-business day window.

iii. Analysis

REV response to the Directors submission describes the difficulties experienced while completing the process of making the appeal deposit.

REV does not dispute the timelines set out by the Director from the date of service of the Wage

Assessment (August 25, 2025) to the date when the deposit is finally cleared by the bank (September 25, 2025).

It is unfortunate that REV's legitimate attempts to meet the 15-day appeal period failed.

iv. Decision

Documentation provided by the Ministry shows the following timeline:

- August 25, 2025, REV accepts service of Wage Assessment 1-001010
- September 9, 2025, REV written ground of appeal received by the Ministry
- September 9, 2025, REV deposit cheque #151 received by the Ministry
- September 19, 2025, Royal Bank advises that cheque \$151 has been returned due to "Funds frozen/not cleared".

Section 2-75(4) of the Act stipulates that "the employer shall as a condition being eligible to appeal the wage assessment, deposit with the director of employment standards the amount set out in the wage assessment".

Section 2-75(5) of the Act states "the amount mentioned in subsection (4) must be deposited before the expiry of the period during which the appeal may be commenced."

The period in which an appeal may be commenced is described in Section 2-75(2) of the Act. "An appeal pursuant to this section must be commenced by filing a written notice of appeal with the director of employment standards within 15 business days after the date of service of a wage assessment".

Since the date of service of the Wage Assessment was August 25, 2025, the 15-day period was from August 26 to September 16, 2025.

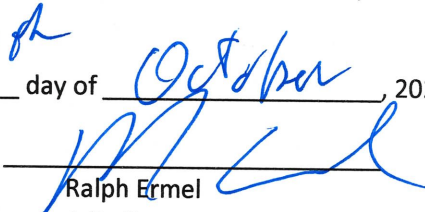
The deposit made by REV did not reach the Director until September 25, 2025, and therefore is out of time.

There is no statutory provision providing me authority to extend the time for appeal.

The effect of REV Automotive Group Ltd., failure to strictly comply with the requirement to deposit the required amount before the expiry of the 15-business day appeal period results in a nullity of the appeal. Therefore, I have no jurisdiction to proceed with the appeal.

The Wage Assessment of \$5,202.67 is upheld and owed by REV Automotive Group Inc. To David Nicoll.

Dated at Regina in the Province of Saskatchewan, this 27th day of October, 2025.


Ralph Ermel
Adjudicator