

NOVA SCOTIA COURT OF APPEAL
Cite as: Graves v. Orman, 1998 NSCA 172

Freeman, Bateman, Cromwell, J.J.A.

BETWEEN:

PHILIP SAMUEL GRAVES(carrying on)	
business under the firm name and style)	
of Mr. Fresh Farm Market))	
)	
Appellant)	Appellant
)	(Did Not Appear))
- and -)	
)	Alexander M. Cameron
HEATHER JOY ORMAN and)	for the Respondents
THE LABOUR STANDARDS TRIBUNAL)	
)	
Respondents)	Appeal Heard:
)	September 22, 1998
)	
)	Judgment Delivered:
)	September 22, 1998
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THE COURT: Appeal dismissed with costs payable to the respondent of \$500.00 as per oral reasons of judgment of Bateman, J.A., Freeman and Cromwell, J.J.A., concurring.

BATEMAN, J.A.: (Orally)

This is an appeal from a decision of the Labour Standards Tribunal dated March 10, 1998. The respondent Heather Joy Orman was an employee of Mr. Fresh Farm Market, a business owned by the appellant, Phillip Graves. Her employment was terminated by Mr. Graves. Ms. Orman made a complaint pursuant to the **Labour Standards Code**, R.S.N.S. 1989, c. 246, that she had not received the vacation pay to which she was entitled. After a hearing, the Labour Standards Tribunal ordered the appellant to pay to Ms. Orman, vacation pay of \$855.22. From that order Mr. Graves appeals.

Although Mr. Graves did not appear at the oral hearing of this appeal we have considered the arguments presented in his factum.

Mr. Graves alleges an error in law on the part of the Tribunal resulting from a misapprehension of the evidence. He says, as well, that the **s.21** of the **Code** requires that the Director of Labour Standards or his designate, attempt to effect a settlement between the parties to a dispute, before an order issues. This, he says, was not done.

The latter issue was not raised before the Tribunal. It therefore cannot constitute a ground of appeal.

Section 20(2) of the **Code** limits appeals to this Court to a question of law

or jurisdiction. Mr. Graves has not raised a question of law or jurisdiction.

Accordingly, the appeal is dismissed. In these circumstances we are satisfied that it is appropriate that Mr. Graves pay to Ms. Orman costs of \$500 inclusive of disbursements.

Bateman, J.A.

Concurred in:

Freeman, J.A.

Cromwell, J.A.

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REASONS FOR)
JUDGMENT BY:)
Bateman, J.A.)
(Orally)