

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Li v. Jean*, 2013 NSCA 135

**Date:** 20131127

**Docket:** CA 370944

**Registry:** Halifax

**Between:**

Hui Li

Appellant

v.

Kong On Jean, Attorney General of Nova Scotia  
and Labour Standards Tribunal

Respondents

---

**Judge:** The Honourable Justice J.E. (Ted) Scanlan

**Appeal Heard:** November 18, 2013

**Subject:** **Appeal. Labour Standards Tribunal. Reasonableness of the decision. Motions to admit fresh evidence.**

**Summary:** Appellant lived in the Respondent's (Jean) home and did some domestic service work. There was no written or oral contract establishing the scope of work to be done or setting out details of compensation. At the end of 11 months the Appellant claimed in excess of \$20,000 for unpaid wages. She asserted that the relevant minimum wage provisions at the time applied to establish a wage rate. The Respondent's position was that all domestic services he had requested had been compensated for by cash payments or set off in rent or groceries.

The Appellant's claim was dismissed by the Labour Standards Tribunal. The Tribunal found Ms. Li did not work the number of hours she stated. The Tribunal held that the minimum wage provisions did not apply as Ms. Li worked less than the 24 hour per week threshold in the applicable legislation.

**Issue:** Was the decision of the Labour Standards Tribunal reasonable. There were two motions to adduce fresh evidence. One, a motion related to translation as provided at the Tribunal hearing. Second, a motion based on an assertion by Ms Li that the record as produced by the Tribunal was incomplete.

**Result:** Appeal dismissed. There was evidence to support the findings of the Tribunal. The motions to admit fresh evidence dismissed.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 7 pages.**