



ONTARIO LABOUR RELATIONS BOARD

Labour Relations Act, 1995

OLRB Case No: 2683-16-R
Successor Trade Union

International Association of Sheet Metal, Air, Rail and Transportation Workers, Local 285-SM, Applicant v Sheet Metal Workers' International Association, Local 285, Residential Gas Fitting Contractors Association of Ontario, 2360530 Ontario Inc., Applewood Air Conditioning Ltd., Equigas Inc., Jemview Gas Piping Ltd., Lor-Dan Heating Ltd, Montwest Mechanical Inc., Norval Gas Services Inc., Paradise Heating & Air Conditioning Ltd., Rex Heating Company Ltd., Romac Heating Company Ltd., 1518175 Ontario Limited o/a Salem Pipefitter, Tri-Flame Natural Gas Services Ltd., Tri-Flame Natural Gas Services Limited, Vandecamp Heating Inc.; Vandecamp Heating Limited, Dan the Gasman Inc., Mark Akam o/a E and C Heating, Flex Climate Controls Inc., Tom Wesley Baker o/a Grandview Heating & Contracting, Spectrum Mechanical Ltd., The Watson Group Ltd., Residential Heating Ventilation Contractors Association, Aria Comfort Systems Inc., Bellwood Sheet Metal Ltd., Belmar Ventilation Systems Inc., Cooltech Air Systems Ltd., Dearie Contracting Inc., Don Park Manufacturing Inc., Downsview Heating & Air Conditioning Ltd., Elgin Mills Sheet Metal Supplies Inc., E-M Air Systems Inc., Hendry Heating Ltd., M.A.S. Sheet Metal Inc., Martino Contractors Ltd., Metro Air Limited, National Air Systems Inc., Pinnacle Comfort Inc., P.M. Sheet Metal & Ventilation Ltd., Prima Air Ltd., Rite Air Mechanical Co. Ltd., Spectrum Mechanical (2009) Ltd., Spinnaker Industries Inc., The Watson Group Limited, 618554 Ontario Inc. o/a Tomar Ventilation Systems, York Sheet Metal Ltd., Yorktowne Heating & Cooling Inc., Alma Mechanical Ltd., Ben-Air Systems Inc., Century Sheet Metal Limited, Coolbreeze Service Ltd., D & R Heating Contractors Limited, Econo Sheet Metal Ltd., G.S. Sheet Metal Inc., Hvac Depot & Metal Mfg. Inc., Metal Works Corporation, Metal Works Production, Lormar Sheet Metal Inc., Titan Mechanical Inc., Vanguard Sheet Metal Contractors Ltd., Geoff & Krista Sims Enterprises Inc. o/a Wilkinson Chutes Canada, York Sheet Metal Limited, Ambassador HVAC Inc.; 2228333 Ont. Ltd., Right Touch Heating Cooling & Ventilation Inc., and Dearie HVAC Inc. o/a DC Air, Responding Parties

COVER LETTER

TO THE PARTIES LISTED ON APPENDIX A:

The Board is attaching the following documents:

Confirmation of Filing
Notice to Employees

DATED: January 26, 2017

A handwritten signature in black ink that reads "Catherine Gilbert". The script is cursive and fluid.

Catherine Gilbert
Registrar

Website: www.olrb.gov.on.ca

Address all communication to:

The Registrar
Ontario Labour Relations Board
505 University Avenue, 2nd Floor
Toronto, Ontario M5G 2P1
Tel: 416-326-7500
Toll-free: 1-877-339-3335
Fax: 416-326-7531



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CONFIRMATION OF FILING OF APPLICATION

TO THE PARTIES LISTED ON APPENDIX A:

CONFIRMATION OF FILING AND DELIVERY

This will confirm that an Application was filed with the Board on January 19, 2017, the Application Date.

The Applicant has certified that a copy of the Application and other relevant documents were delivered to the other parties on January 25, 2017. This date is the "Delivery Date."

The Board has assigned the above OLRB Case Number to this Application. Please refer to the OLRB Case Number in any communication with the Board in connection with this matter.

This Confirmation of Filing is being sent to you because you are the Applicant or the Responding Party or because you have been identified in the Application as a person who may be affected by the Application. An Application before the Ontario Labour Relations Board is a legal proceeding and may affect your legal rights and obligations. You may wish to seek legal advice immediately.

POSTING

Enclosed with this document is/are

- Notice to Employees of Application

The Employer(s) must make and immediately post copies of the:

- Application (if not already posted)
- Notice to Employees of Application

A sufficient number of these are to be posted next to each other where they are most likely to come to the attention of all employees or other individuals who may be affected by the Application. They must remain posted for 45 business days.

The Employer must also post a copy of its Response next to the Application and other documents.

The Employer or its Representative must then verify the posting of the Application, the Notice to Employees and the Response by completing the Confirmation of Posting Form in the Application package delivered by the Applicant. This Confirmation of Posting Form should be filed with the Board along with the Response, and copied to all the other parties.

If any party becomes aware that the Employer has failed to post the documents, please notify the Registrar as soon as possible at the contact information provided below.

Under the Act, it is an offence punishable on summary conviction to fail to comply with a direction of the Board.

FILING AND DELIVERING OF RESPONSE AND DOCUMENTS

The Responding Party(ies) (and any Intervenor(s) who choose to participate in the case) must file with the Board one signed original of the following documents no later than the Response Date:

- Response/Intervention to the Application

The Response Date is 10 business days after the Delivery Date.

Before these documents are filed with the Board, copies must first be delivered to the Applicant and every other party identified in the Application and Response. A Certificate of Delivery must also be completed.

A party with notice of this Application who does not file a Response or Intervention as required by the Board's Rules of Procedure may be deemed by the Board to have abandoned its claim, if any, to any interest in this Application.

Unless an expedited hearing has been scheduled, the Board's normal process is that each party must also file with the Board one copy of all documents upon which it will be relying in the case by the Document Delivery Date, at least 10 business days before the first date set for any type of hearing. At the same time, each party must deliver copies of those documents to each of the other parties.

SETTLEMENT

Many disputes at the Board are resolved through mediation, and for most but not all cases, the Board's usual practice is to assign a Mediator to assist the parties to try to settle their case.

If a Mediator is already assigned, you can expect to see his/her name, contact information and a Mediator Report Date below, but in some cases a Mediator is assigned after this document is sent to the parties.

If a Mediator is assigned to this case, she or he will contact the parties soon to arrange for settlement discussions to take place. The parties are generally expected to meet with the Mediator before the Mediator Report Date.

Mediator Assigned: Sharon Naipaul
Mediator Tel. No.: (416) 314-5213
Mediator Report Date: March 10, 2017

The Mediator (if one is assigned to this case) will advise the Registrar whether or not the case has been settled. If there is no settlement, and no hearing dates have yet been set, the Registrar may then set hearing dates after determining the kind of hearing that would be appropriate in this case. If hearing dates have already been set, they will proceed as scheduled unless the case has been settled or the dates are cancelled by the Board.

If you require further information, you may contact the Mediator. If no Mediator is assigned or the assigned Mediator is not available and you wish to speak to someone urgently, you may contact the Manager, Mediation Services at 416-326-7410.

HEARING

No hearing date has been set in this matter. If a hearing of any type is scheduled, written notice of it will be sent to you by the Registrar.

Please see the Sections above concerning the requirement to file documents before a hearing of any kind.

DATED: January 26, 2017



Catherine Gilbert
Registrar

Website: www.olrb.gov.on.ca

Address all communication to:

The Registrar
Ontario Labour Relations Board
505 University Avenue, 2nd Floor
Toronto, Ontario M5G 2P1
Tel: 416-326-7500
Toll-free: 1-877-339-3335
Fax: 416-326-7531

ONTARIO LABOUR RELATIONS BOARD IMPORTANT NOTES

FRENCH OR ENGLISH

Si vous communiquez avec la Commission, vous avez le droit de recevoir des services en français et en anglais. Vous pouvez consulter les règles de la Commission, les formulaires et les bulletins d'information sur le site Web de la Commission au www.olrb.gov.on.ca ou composer le 416-326-7500 ou (sans frais) le 1-877-339-3335 pour de plus amples renseignements. Veuillez prendre note que la Commission n'offre pas de services d'interprétation dans les langues autres que le français et l'anglais.

You have the right to communicate with, and receive available services from, the Board in either English or French. You can access the Board's Rules, Forms and Information Bulletins from its website at www.olrb.gov.on.ca or by calling 416-326-7500. Please note that the Board does not provide translation services in languages other than English or French.

CHANGE OF ADDRESS

Please notify the Board immediately of any change in your address, phone or fax numbers, or your e-mail address. If you fail to notify the Board of any changes, correspondence sent to your last known address may be deemed to be reasonable notice to you and the application may proceed in your absence.

EMAIL

If you have provided an e-mail address with your contact information, the Board will in all likelihood communicate with you by e-mail from a generic out-going address. Please be advised that the Board is not yet equipped to receive communications from you by e-mail.

OLRB RULES OF PROCEDURE

The Board's Rules of Procedure describe how an application, response or intervention must be filed, what information must be provided and the time limits that apply. You can obtain a copy of the Rules from the Board's office at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1 (Tel: 416-326-7500) or from the Board's website.

ACCESSIBILITY and ACCOMMODATION

In accordance with the Accessibility for Ontarians with Disabilities Act, 2005, the Board makes every effort to ensure that its services are provided in a manner that respects the dignity and independence of persons with disabilities. Please tell the Board if you require any accommodation to meet your individual needs.

FREEDOM OF INFORMATION and PROTECTION OF PRIVACY

Personal information is collected on this form under the authority of the Board's governing legislation to assist in the processing of this application. In addition, information received in written or oral submissions may be used and disclosed for the proper administration of the Board's legislation and processes. The Freedom of Information and Protection of Privacy Act, R.S.O. 1990 F.31 governs

the collection, use and disclosure of this information.

Any information that you provide to the Board that is relevant to this application must in the normal course be provided to the other parties to the proceeding.

HEARINGS and DECISIONS

Board hearings are open to the public unless the panel decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library, and over the internet at www.canlii.org, a free legal information data base. Some summaries and decisions may be found on the Board's website under Highlights and Recent Decisions of Interest.



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Application Date: January 19, 2017
Delivery Date: January 25, 2017

NOTICE TO EMPLOYEES OF APPLICATION

THIS IS AN OFFICIAL NOTICE OF THE BOARD AND
MUST NOT BE REMOVED, DEFACED OR DESTROYED

THE EMPLOYER MUST IMMEDIATELY POST THIS NOTICE (IN LOCATIONS
WHERE IT IS MOST LIKELY TO COME TO THE ATTENTION OF EMPLOYEES
OR OTHER INDIVIDUALS AFFECTED BY THE APPLICATION)
NEXT TO THE BOARD'S NOTICE TO EMPLOYEES OF APPLICATION
AND/OR THE BOARD'S DECISION ORDERING A VOTE

THE EMPLOYER MUST RETURN A CONFIRMATION OF POSTING
TO THE REGISTRAR

THIS NOTICE MUST REMAIN POSTED FOR 45 BUSINESS DAYS

TO THE PARTIES LISTED ON APPENDIX A:

This Notice is being posted because an Application has been filed with the Ontario Labour Relations Board.

The Ontario Labour Relations Board is an independent government agency that administers and enforces various employment and labour relations statutes. The Board is a neutral body where the parties to employment and labour relations matters can have their applications dealt with and complaints resolved.

A copy of the Application should be posted beside this Notice. It describes the facts relied on by the Applicant and the orders and/or remedies that the Applicant is asking the Board to grant.

RESPONSE DATE

The Response Date set for this Application is ten business days from the Delivery Date shown at the top of this Notice.

MAKING A STATEMENT TO THE BOARD

If you want to say something to the Board about this Application and/or participate in the Board's proceedings, you must file one signed original of a statement with the Board no later than the Response Date. Your statement must include the following details:

- (a) the OLRB Case No. that appears on this Notice;
- (b) your full name, address, telephone number and facsimile number; as well as the name, address, telephone number and facsimile number of a contact person, if any;
- (c) a statement of agreement or disagreement with each fact or allegation set out in the Application;
- (d) a statement of your position with respect to the orders or remedies requested by the Applicant, supported by full reasons for your position;
- (e) where you rely on a version of events different from the Applicant's version, a detailed statement of all material facts on which you rely, including the circumstances, what happened, when and where it happened, and the name(s) of any person(s) said to have acted improperly;

- (f) a statement as to whether an oral hearing is requested and the reasons for the request, if one is made.

Attach to your statement copies of all documents upon which you will be relying, arranged in consecutively numbered pages and accompanied by a table of contents describing each document.

THE BOARD'S RULES OF PROCEDURE

You should read and follow the Board's Rules of Procedure if you intend to make a statement to the Board. Copies of the Board's Rules may be obtained from the Board's offices or website at the contact information listed below.

FILING YOUR STATEMENT WITH THE BOARD

You should make your statement as soon as you become aware of the information you wish to give to the Board. You may file your statement with the Board by mail, courier, fax or personal delivery.

DELIVERING YOUR STATEMENT TO OTHER PARTIES

Before filing your statement with the Board, you must deliver a copy to the Applicant and to the Responding Party (and to any affected person identified in the Application). Please consult the Application posted beside this notice for contact information for the Applicant, the Responding Party, and any affected parties.

A copy of your statement may be delivered to the other parties by facsimile transmission, hand delivery, courier, regular mail or email.

Your statement must include the names and titles of the persons to whom your statement was delivered and information regarding the date, time and method of delivery.

CONSEQUENCES OF NO STATEMENT OR INCOMPLETE STATEMENT

Please note that you will not be allowed to present evidence or make any representations about any material fact that was not set out in your statement and filed promptly in the way required by the Board's Rules of Procedure, except with the permission of the Board.

If you fail to file a statement, the Board may take action in the matter and may decide the Application without further notice to you.

Further, if the Board decides that your statement will not change the result of the Application, the Board may decide the Application without any further notice to you. If this occurs, a copy of the Board decision will be sent to the last current address you have provided on file.

DATED: January 26, 2017



Catherine Gilbert
Registrar

Website: www.olrb.gov.on.ca

Address all communication to:

The Registrar
Ontario Labour Relations Board
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Toronto, Ontario M5G 2P1
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