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September 8, 2025

**VIA EMAIL**

Catherine Gilbert, Registrar  
Ontario Labour Relations Board  
505 University Avenue, 2nd Floor  
Toronto, ON M5G 2P1

Dear Ms. Gilbert:

**Re: Crane Rental Association of Ontario v International Union of Operating Engineers,  
Local 793 - Accreditation Application  
OLRB File No. 2973-24-R**

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We write on behalf of the Crane Rental Association of Ontario (the “CRAO”) in respect of the above-noted matter, in response to correspondence dated September 5, 2025, from counsel to the employer-intervenors, Pumpcrete Corporation and Aurora Concrete Pumping, regarding our request that the Board schedule a Case Management Hearing (CMH) in lieu of a mediation.

The Board could not have anticipated, when it directed the parties to mediate, that their respective availability would pause litigation for nearly five months. Depending on their respective availability after mid-December mediation, adjudication of outstanding issues could be delayed for many additional months. This Application concerns bargaining rights, where time is of the essence.

Moreover, the facts have substantially changed since the Board directed mediation. When the Board issued its July 22 and 23 decisions, there were seven intervenors and one prospective intervenor, comprised of three employer associations, three employers and one trade union. Through negotiations between the parties, all three employer associations have withdrawn, and one employer intervenor and a prospective employer intervenor have likewise withdrawn.

Given that significant reduction in the number of intervenors as compared with the number of intervenors when the Board directed mediation, it seemed apposite timing for case management.

We strongly object to the employer-intervenors' use of the term "brow-beat." To suggest that requesting a CMH amounts to "brow-beating" is to accuse us of seeking to bully or intimidate our counterparts, and worse, to imply that a Vice-Chair would permit or facilitate such conduct. That suggestion is baseless, inflammatory, and plainly disrespectful to the integrity of the Board's process. Compounding the impropriety, rather than reply to our August 25 and September 5 requests for consent, even if to simply decline and explain their position, the employer-intervenors chose not to respond at all and instead wrote directly to the Board two weeks later to level these accusations. This course of action demonstrates neither candour nor professional courtesy, and it needlessly burdens the Board with matters that could have been addressed between counsel.

As of today, September 8, the remaining intervenors are represented by experienced counsel. While early mediation could have provided a structured forum for issue-narrowing, especially with eight intervenors and even without an LRO's involvement, discussions between counsel to the few remaining-intervenors' should not require three months or an LRO's assistance.

The purpose of the requested CMH would not be "brow-beat" anyone; but rather to make submissions and receive the Board's views and, if necessary, the Board's direction, as to which issues require evidence and adjudication, and which can be addressed based on materials filed (with or without additional submissions). As both the Applicant and Respondent Union have independently submitted, most if not all the issues and allegations raised in the remaining-intervenors' submissions can be dismissed because of a lack of standing, irrelevance, or on a *prima facie* basis.

As in union applications for certification, pursuant to Information Bulletin 9, the Board abandoned the prior approach of scheduling regional certification meetings with LROs in favour of a CMH-led process, because it provided for more expeditious administration and disposition.

Now that the number of parties is more manageable, case management is appropriate.

Of course, if the Board confirms its direction that the parties mediate first, we are in the Board's hands and we are content to have mediation scheduled on December 12 or 18 (the dates on which the parties are available).

We appreciate the Board's consideration and look forward to its direction.

Yours very truly,

**STRINGER LLP**



**Jeremy D. Schwartz**

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