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Ontario Labour Relations Board HIGHLIGHTS

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February 2003

New Vice-Chairs

The Board is pleased to announce the appointment of two new Vice-Chairs.

Corrine F. Murray was a Vice-Chair at the Board in the mid-1980's and then worked as a management labour lawyer. She was recently Vice-President and Assistant General Counsel at Nortel Networks, and was latterly working as an arbitrator and mediator.

Jack Slaughter was an articling student at the Board and has worked in the construction labour relations field for many years. Most recently he was in-house counsel for the Carpenters.

OLRB Shoot-Out

The Board will be hosting is 4th annual golf tournament in support of the Ministry of Labour's United Way Campaign on Thursday, June 19, 2003 at the Heron Point Golf Links in Ancaster, Ontario. Information regarding the "OLRB ANNUAL SHOOT-OUT", including registration information, is appended to this issue of **eHighlights**. For further details, please contact Tim Parker at 416-326-7442 or by email at tim.parker@mol.gov.on.ca or visit the Board's website at www.gov.on.ca/lab/olrb/home.htm

Scope Notes

The following are scope notes of some of the decisions issued by the Ontario Labour Relations Board in January of this year. Some of these decisions will appear in the January/-February issue of the OLRB Reports:

Construction Industry Grievance – Timeliness – The applicant referred a grievance to the Board on the same day that it gave the referral to a courier company which promised to deliver it to the responding party on the following day – A majority of the Board held that nothing in the Act or the Rules prevented the Board from deeming the grievance to have been filed the day after it was received by the Board – Grievance to be processed in the normal course

ACCURATE OVERHEAD LIMITED; RE INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS, LOCAL 721; File No. 3209-02-G; Dated January 16, 2003; Panel: G. Pickell, A. Haward, Harry Freedman (Dissenting) (5 pages)

Duty of Fair Representation – Collective Agreement – In this duty of fair representation complaint, the Board considered whether the Union was obliged to provide a lawyer to represent an Employee in a civil action against an insurer providing benefits negotiated in the collective agreement – The Employee's disability benefits were discontinued at the instance of the insurer – The Union filed a grievance on behalf of the Employee – The Employee accepted the civil court as the proper forum for litigation of her entitlement to benefits – The Board found that the Union had not misled the Employee, and had informed her that it would not provide a lawyer and would withdraw the grievance unless she provided reasons to proceed – An Employee can pursue an action in his or her name without Union permission, approval or consent – The duty of fair representation does not extend beyond matters of representation in relation to the Employer or matters governed by a collective agreement, despite the existence of a factual nexus arising out of the employment relationship – The Union's decision not to retain a lawyer to proceed with a

civil action is not a violation of the duty of fair representation – Application dismissed

ADAMS, MABEL M. RE The United Steelworkers of America Local 13571-34; File No. 1629-02-U; Dated January 10, 2003; Panel: David McKee (5 pages)

Damages – Discharge – *Occupational Health and Safety Act* – In a reprisal complaint under the *Occupational Health and Safety Act*, the Board had earlier found the employer liable for violating the Act (the employer had not filed a response to the complaint) – The employer argued that it had not been properly served with the application – At the hearing of the damages aspect of the complaint, the Board reiterated its view that the employer had been properly served with the applicant's materials and refused to entertain any arguments on the merits – Although reinstatement with full compensation is presumptively appropriate where an applicant's employment is terminated contrary to the Act, where the applicant does not wish to be reinstated, or where reinstatement would be an inappropriate remedy, compensation for wages lost to the date of the Board's decision is generally the appropriate remedy – The Board found that reinstatement would be inappropriate in the circumstances, and the applicant was entitled to his wages lost to the date of the award, less his earnings from other sources of employment during the relevant period – The Board does not have the jurisdiction to order the Employer to correct the applicant's record of employment

AMBUTRANS INC.; RE GEOFFREY MacBRIDE; File No. 1069-02-OH; Dated January 15, 2003; Panel: Mary Anne McKellar (4 pages)

Construction Industry – Duty of Fair Referral – The Board found that the trade union had violated section 75 (duty of fair referral) of the Act when it deprived the applicant of a work opportunity, based on a mistaken belief that the applicant was under a union-imposed suspension – The union should have made inquiries of the applicant's actual status – Application allowed

BAILEY, ALAN; RE LABOURERS' INTERNATIONAL UNION, LOCAL 506; File Nos. 3368-01-U; 3369-01-U; Dated January 14, 2003; Panel: Patrick Kelly (3 pages)

Discharge – *Employment Standards Act* – Interest – The applicant employee sought payment of termination pay for an alleged constructive dismissal when her employer reduced her hours and made other changes to the applicant's duties – The Board found that the employee's terms and conditions of employment were fundamentally altered, that the employee did not agree to the changes, that the lack of notice regarding the changes amounted to a constructive dismissal, and that there was no requirement that the applicant accept the changes because of the economic circumstances of her employer – The Board held that an employee is no more obligated to share in an employer's misfortunes than she would be entitled to share in the profits of a successful business – The Board awarded termination pay with interest – A portion of the interest payment was denied because the applicant was granted two significant adjournment requests over the employer's objections – Applicant allowed

BOERMANS, DR. M., DR. P. NICKOLET AND MINISTRY OF LABOUR; RE ALDA PIMENTA; File No. 1135-99-ES; Dated January 9, 2003; Panel: Russell Goodfellow (4 pages)

***Employment Standards Act* -** In this application for review of an order to pay, the Board considered whether the applicant was entitled to overtime pay and/or unpaid wages after working as a live-in caregiver for the now deceased employer – The Board held that the employee qualified as a "domestic worker" and not, as counsel for the estate argued, a "residential care worker" and, consequently, was entitled to be paid overtime for hours worked – In addition, using the employer's best case, the Board held that while the employee had been given more than 10 free hours off each week, she had performed grocery shopping duties during some of that time – Although the employer did not want or require grocery shopping performed, it was the employer's responsibility to ensure that the employee did not perform such duties during her off-time – The Board held that the applicant was entitled to overtime pay and directed the parties to reach an agreement on the quantum – Application granted

ESTATE OF MRS. PETRA F. DOLEGA-KAMIENSKI, THE, AND MINISTRY OF LABOUR; RE ZENAIDA PACALDO; File No. 1173-02-ES; Dated January 24, 2003: Panel: Brian McLean (9 pages)

***Crown Employees Collective Bargaining Act* – Employer – *Public Service Act* – Unfair Labour Practice –** In this application the Board was asked to grant declaratory relief, cease and desist orders and monetary damages arising out of alleged violations of sections 46, 79, 81, 83, 100, 144 and 146 of the LRA – The responding parties moved to dismiss this application on the grounds that the LRA has no application to them and therefore they cannot be found to have violated the LRA, no matter the conduct in which they are alleged to have engaged – The applicant argued that while section 4 of the LRA appears to permit the Crown and its employees to violate the LRA with impunity, that cannot be the case – The Board held that the Crown is not subject to the LRA and that, in order to obtain relief against the responding parties, the applicant must seek its remedy under CECBA, which incorporates the LRA, to establish that the responding parties violated provisions of the LRA, although the applicant cannot do so since the CECBA does not apply to the applicant as it is neither the Crown nor an agency of the Crown – Application dismissed

FEDERATED CONTRACTORS INC.; RE HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, ROBERT RUNCIMAN, THE MINISTER OF PUBLIC SAFETY AND SECURITY, THE MINISTER OF CORRECTIONAL SERVICES, THE SOLICITOR GENERAL OF ONTARIO, THE ONTARIO REALTY CORPORATION AND PASQUALE CAROZZI; File No. 3198-02-U; Dated January 21, 2003: Panel: Harry Freedman (4 pages)

Parties – Practice and Procedure – Counsel for the responding parties, named individually as a responding party in both these applications (an unfair labour practice complaint and an application for consent to prosecute) brought a motion to have himself struck from the proceedings for want of a *prima facie* case against him and as an exercise of the Board's s. 96 discretion – The Board held that to permit these applications to proceed against counsel for the responding parties personally would severely hamper parties in labour relations disputes to obtain and act on legal advice – The Board should not, except in the clearest circumstances, permit an unfair labour practice complaint to proceed that would prejudice a party's ability to obtain legal advice – Motion granted

FEDERATED CONTRACTORS INC.; RE SMW, LOCAL 269; SMW; ONTARIO SHEET METAL WORKERS' AND ROOFERS' CONFERENCE; STEVE CRONKRIGHT; JERRY RASO; ANTHONY BAKER; TOM CASHMAN; JOHN CHERESNA; ANDY COWAN; ROGER HOWARD; JOHN McNEIL; MARK MILLER; BRAIN MURPHY; JASON MURRAY; CHARLES ONSTEIN; KNOWLSON RAMSAY; BRIAN VALLEY; PAUL BOUDREAU; P.B. SHEET METAL HEATING & AIR CONDITIONING; LOCKERBIE & HOLE CONTRACTING LIMITED; HARRY HOLE; NEIL PRESTWICH; RICK McGURN; CHRIS SCHOENWANDT; AND PCL CONSTRUCTORS CANADA INC.; RE ONTARIO REALTY CORPORATION; File Nos. 2243-02-U; 2244-02-U; Dated January 22, 2003: Panel: Harry Freedman (4 pages)

Jurisdictional Dispute – Practice and Procedure – The parties were directed to file briefs pursuant to a schedule in an earlier Board decision – The applicant, in that portion of its brief relating to area practice, asserted work throughout the province and reserved the right to file particulars at a later date – One of the responding parties objected – The Board held that neither the Act nor the Rules allow a party to file particulars about area practice after the filing of the initial brief – To permit such a practice would undermine the pre-consultation conference process contemplated for jurisdictional disputes in the construction industry

FINDLAY-JONES INSULATION LIMITED; OPCM LOCAL 598; ONTARIO PROVINCIAL CONFERENCE OF THE OPCM; RE DRYWALL ACOUSTIC LATHING AND INSULATION LOCAL 675, UBCJA; RE ONTARIO PROVINCIAL CONFERENCE OF INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS; BAC, LOCAL 1; File No. 1897-02-JD; Dated January 21, 2003: Panel: Harry Freedman (3 pages)

Bargaining Rights – Construction Industry – Employer – Termination – The Board considered whether the Employer met the definition of "non-construction employer", and was thus entitled to a declaration terminating the bargaining rights of the Union and ending the provisions of the collective agreement to which the employer was bound – The Board found that grants received by the employer from the Ministry of Education were not for construction work to be performed for the benefit of a third party, and therefore did not place the employer outside the definition of "non-construction employer" – An

employer's status is determined by an assessment of the nature of its operations as of the time that the employer seeks to have its status determined – Mere conversations and speculation about future arrangements did not constitute a future expectation on the part of the employer that it would be performing construction industry work – The Board held that the employer met the definition of "non-construction employer" – The Union was directed to advise the Board of its intentions with respect to a Notice of Constitutional Question – Application allowed

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD; RE UBCJA, LOCAL 494; RE CARPENTERS' DISTRICT COUNCIL OF ONTARIO, UBCJA; File No. 3398-00-R; Dated January 22, 2003; Panel D.L. Gee (6 pages)

Certification – Construction Industry – Practice and Procedure – The parties agreed to adjourn a regional certification meeting following a representation vote – The adjournment lasted almost sixteen months, after which the parties agreed to a further adjournment for another year – The Board refused to accept the parties' agreement – While the trade union and employer might have legitimate reasons for leaving the matter in abeyance, the employees' wishes remained unknown and, in addition, no other trade union could apply to represent the employees while the present application was outstanding – The matter was adjourned to a fixed date – If the parties failed to request that the matter be re-listed, it would be dismissed

KAITLIN GROUP, THE, AND/OR THE KAITLIN GROUP LTD. AND/OR THE KAITLIN GROUP LTD./WEST BOWMANVILLE AND/OR 1138337 ONTARIO INC.; RE UNIVERSAL WORKERS UNION, LIUNA LOCAL 183; File No. 1282-01-R; Dated January 21, 2003; Panel: David A. McKee, John Tomlinson, Alan Haward (2 pages)

Practice and Procedure – Representation Vote – Termination – In this application to terminate the union's bargaining rights, the responding party union advised the Board that the intervenor employer had served a trespass notice on the union's proposed scrutineer for the representation vote – The Board stated it must do everything in its power and jurisdiction to ensure the vote is conducted in a fair and impartial manner – Pursuant to s. 111(2) of the Act, the Board ordered the intervenor to allow the union's scrutineer or any other designate to attend the vote without interference – Motion allowed

LEDUC SUPERMARKET INC. C.O.B. AS ORANGEVILLE SOBEYS; RE CHRIS NAPIER; RE UFCW LOCAL 1977; File No. 3528-02-R; Dated January 31, 2003: Panel: Stephen Raymond, Richard O'Connor, R.R. Montague (2 pages)

Collective Agreement – Discharge – Interference with Trade Unions – Unfair Labour Practice – The Board considered whether the employer had violated the collective agreement and the Act by altering working conditions during a statutory freeze period – The employer failed to file a response – The union alleged the employer had made various changes in the workplace, including franchising and amalgamating existing routes, re-characterizing drivers as independent contractors, contracting out its distribution business, and terminating two senior employees as well as the union steward – The applicant claimed the employer was motivated by a desire to avoid the union, collective bargaining and the collective agreement – The Board held that a repeated refusal to be bound to the provisions of a collective agreement during the statutory freeze period amounts to a violation of section 86 of the Act, but it does not amount to a breach of section 56, which binds parties to a collective agreement, since the collective agreement was no longer in operation – The Board found that both the employer and the individual respondents had violated the Act by interfering with the union and with employees' rights by terminating the union steward without just cause at a critical time, and by restructuring operations to avoid the union – Damages were awarded for termination of the union steward – The union was directed to file additional material to pursue the claim for damages for the other laid-off employees – Application granted in part

LEWIS BAKERIES (1966) INC. (1966) INC., MIKE JUMA, TERRY JUMA AND TARIK SHOUSHER; RE CAW LOCAL 462 OF NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION AND GENERAL WORKERS' UNION (CAW-CANADA); File No. 2635-01-U; Dated January 8, 2003: Panel: Caroline Rowan (10 pages)

Occupational Health and Safety Act – AMAPCEO and OPSEU both appealed a decision

by a health and safety inspector who found that the physical condition of their workplace was not likely to endanger workers – OPSEU sought a suspension of the inspector's order, pleading that the "precautionary principle" accepted as a guide to environmental actions should be applied to protect workers from an allegedly sick building – The Board applied its usual test for a suspension request (including the presumption of deference to the inspector's ruling) considered the extensive investigation (including medical consultations and employee interviews) and the comprehensive decision issued by the inspector, denied the suspension request, and directed an expeditious hearing on the merits – Suspension request denied

MINISTRY OF HEALTH AND LONG-TERM CARE AND MINISTRY OF LABOUR; RE OPSEU; File Nos. 3093-02-HS; 3094-02-HS; 3024-02-HS; Dated January 24, 2003: Panel: Timothy W. Sargeant (4 pages)

Discharge – *Employment Standards Act* – Wilful Misconduct – The Board was asked to review an order for termination and severance pay found owing to the claimant employee – Where an employee's immediate supervisor knows of the employee's suspended driver's licence, any driving done by the employee for the purposes of his employment is considered to be condoned by the Employer – At the conclusion of the applicant's case the Board entertained a motion from the Ministry of Labour to have the application dismissed for failing to make out a case to revoke or vary the order – Motion granted, application dismissed

PRIDAMOR TORONTO INC.; RE LANCE MORIN AND MINISTRY OF LABOUR; File No. 3305-01-ES; Dated January 16, 2003; Panel: Mary Anne McKellar (3 pages)

Employment Standards Act – Set-Off – Statutory Holiday – In this review of an employment standards officer's decision not to issue an order to pay, the Board considered whether the employer had unlawfully made a set-off against wages otherwise due to the applicant – The applicant was not paid his full entitlement under the Act for having worked on various public holidays, but had been erroneously overpaid in other respects in excess of the amount owed for holiday pay – The Employer's intention was clearly to set-off the overpayment against the applicant's outstanding holiday pay – The Board held that the employer's admitted breaches of the Act could not be rectified by unrelated, erroneous overpayments to the applicant – Application granted

PROFAC INDUSTRIES MANAGEMENT SERVICES INC. AND MINISRY OF LABOUR; RE NERMIN ACOSTANDEI; File No. 3713-01-ES; Dated January 29, 2003; Panel: Patrick Kelly (4 pages)

***Employment Standards Act* – Timeliness –** In this employee application for review of the refusal by an employment standards officer to issue an order to pay, the employee admitted that he was filing his appeal beyond the 30-day limit required by the statute – The Board noted that Ministry of Labour letterhead advised parties that the appeal period was 30 days from the date of an order or refusal to issue an order – The Board observed that the Act provides for the 30 days to run from the *date of service* of the order or refusal – The employment standards officer purported to serve the letter of refusal on the same day it was issued – The Board acknowledged that nothing in the *Employment Standards Act, 2000* required that an officer provide a certificate of service when refusing to issue an order – On the merits of the appeal, the Board found that the officer's ruling that the Act did not apply to the applicant was a refusal to issue an order – Extension of time granted

VOYAGEUR GOLF COURSE, 833420 ONTARIO INC., O/A, JACQUELINE L. AMABLE, EMPLOYMENT STANDARDS OFFICER AND MINISTRY OF LABOUR; RE RAYMOND VILLENEUVE; File No. 2721-02-ES; Dated January 14, 2003; Panel: Harry Freedman (4 pages)

***Employment Standards Act* – Set-Off –** In this employee application for review, the Board held that advances on commissions are loans, and commissions are wages – An employer is entitled to deduct advances from commissions even in the absence of a written authorization – Application dismissed

WORLD PERSONNEL SERVICES INC. AND MINISTRY OF LABOUR; RE FRANK BUTRYM; File No. 0074-02-ES; Dated January 14, 2003; Panel: Brian McLean (4 pages)

Court Proceedings

Certification – Collective Agreement – Evidence – Judicial Review – Review of the Board's decision to grant an application for certification brought by OPSEU in respect of a group of employees (paramedics) newly employed by Hamilton – CUPE and Hamilton argued that OPSEU was barred from applying because of an existing collective agreement – The Court found the Board's focus on whether "workers who wish to be represented by a trade union of their choice may properly do so", rather than a focus on whether the scope of the existing collective agreement included paramedics, to have been fundamentally flawed – The Court found that the scope clause was clear and unambiguous and it was clearly irrational for the Board to have inquired further by entertaining extrinsic evidence – Application allowed; part of the decision related to the non-existence of a binding collective agreement was quashed – Court of Appeal granted leave to appeal

CANADIAN UNION OF PUBLIC EMPLOYEES AND ITS LOCAL 5167, RE. OLRB, THE CORPORATION OF THE CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH; THE CORPORATION OF THE TOWN OF ANCASTER AND OPSEU RESPONDENTS; File Nos. 0587-00-R; 1891-00-U (Court of Appeal File No. M29220); Dated January 29, 2003; Panel: Carthy, Abella, Gillesse JJ. (1 page) – **CITY OF HAMILTON,** THE CORPORATION OF THE**,** REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH; THE CORPORATION OF THE TOWN OF ANCASTER AND OPSEU AND OLRB; RE CUPE AND ITS LOCAL 5167; File Nos. 0587-00-R; 1891-00-U (Court of Appeal File No. M29220);

Construction Industry – Judicial Review – Related Employer – The UA applied to the Board for a declaration that PCL Eastern was related to PCL Industrial and thus bound by the collective agreement between the union and Industrial – The Board found that the construction provisions of the Act and the provincial collective agreement did not recognize the employer's corporate division of activities – Furthermore, there was evidence of activity by the employer in the ICI sector involving several different trades – In light of the risk to the UA's bargaining rights, the Board declared Eastern and Industrial to be related employers – On judicial review, the Court looked to the Board's expertise, exercise of discretion and the Act's strong privative clauses and found the decision to be not patently unreasonable

PCL CONSTRUCTORS EASTERN INC. AND PCL INDUSTRIAL CONSTRUCTORS; RE ONTARIO PIPE TRADES COUNCIL OF THE UA AND ITS LOCALS 221 AND 46 AND OLRB AND PCL EMPLOYEES HOLDINGS LTD., PCL CONSTRUCTION HOLDINGS LTD., PCL CONSTRUCTION RESOURCES INC., PCL CONSTRUCTION GROUP INC., PCL CONSTRUCTORS INC., PCL INDUSTRIAL CONSTRUCTION LTD., PCL CONSTRUCTORS WESTERN INC., PCL CIVIL CONSTRUCTORS (CANADA) INC., PCL CONSTRUCTION MANAGEMENT INC., AND PCL ENGINEERING CONSTRUCTION INC.; File No3771-95-R (Court File No. 347/2001); Dated January 10, 2003; Panel: McNeely, J. deP. Wright, Howden JJ (6 pages)

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Some of the decisions listed in this bulletin will be included in the publication Ontario Labour Relations Board Reports. Copies of advance drafts of the OLRB Reports are available for reference at the Library, now located on the 7th Floor, 505 University Avenue, Toronto.

Pending Court Proceedings

Case name & Court File No.	Board File No.	Status
OPSEU v. Ontario Hospital Association Divisional Court File No. 83/03	3631-02-U	Pending
Andy Schollig c.o.b. Tischler Woodworking Divisional Court File No. 44/03	2464-01-G	Pending
Haimanot Abebe et al v. Distinctive Designs Furniture Divisional Court File No. 30/03	3704-01-ES	Pending
Elizabeth Balanyk v. The Greater Niagara General Hospital et al SCC No. 29423	0074-99-U	Balanyk seeking leave to appeal to SCC
Ont. Council Int'l Painters & Allied Trades v Blastco Corporation Divisional Court No.711/02	1416-02-G	Pending
UBCJA & its locals & affiliates v. Cadillac Fairview Corporation Divisional Court No. 622/01	0730-99-R	Adjourned
Canadian Health Care Workers v. CAW-Canada, Central Park Lodges et al Divisional Court No. 646/02	1951-01-R; 2179-01-R; et al	Pending
CUPE Local 5167 v. City of Hamilton et al Court of Appeal M29220	0587-00-R; 1891-00-U	leave to appeal granted
OPSEU v. City of Owen Sound et al Court of Appeal No. M29050	1192-00-R	City seeking leave to appeal
CAW-Canada & its Local 385 v. Coca-Cola et al Divisional Court No. 751/02	0179-01-R; et al	Pending
ATU Local 107 & 1585 v. Corporation City of Hamilton et al Divisional Court No. 448/02	3816-00-PS; 0089-01-PS	Pending
Marc A. Crockford et al v. UFCW et al Divisional Court No. DV-543/02	1350-99-U; 2809-99-U	Pending
UBCJA v. Great Atlantic and Pacific Co. of Canada Divisional Court No. 686/01	0098-99-R; 0484-01-R	Adjourned
Ont Prov Conference Int'l Union of Bricklayers v. Int'l Bricklayers and Craftworkers, et al Divisional Court No. 352/01	1904-99-U; 2352-98-U; et al	Pending – Apr. 24/25/03
IBEW Local 586 v. K2 Contracting et al Divisional Court Nos 01-DV-666; 01-DV-667	0007-96-R; et al	Pending
Northwest Agro-Forestry Services v. CEP et al Divisional Court No. 277/00	0835-99-R	Pending
Ottawa-Carleton Public Employees Union Local 503 –	2353-00-PS	Pending

Case name & Court File No.	Board File No.	Status
CUPE v. Ottawa Transition Board, et al Divisional Court No. 02-DV-723		
Rosalina Papa v. HERE Local 75, et al Divisional Court No. 283/01	0426-00-U	Pending
PCL Constructors Eastern, et al v. Ont. Pipe Trades et al Divisional Court No. 347/01	3771-95-R	Dismissed
IBEW Local 353 v. Quadracon Divisional Court No. 811/00	2560-99-R	Adjourned
Rocco Tassone v ATU Local 113, et al Divisional Court No. 84/02	3527-96-U	Pending
Dervent Thompson v. OLRB Divisional Court No. 314/02	1870-01-U	Granted
The Shopping Channel v. USWA Divisional Court No. 299/00	1123-99-U; et al	Pending
Rachelle Martin v. AMDAHL Canada Ltd. Divisional Court No. 47/2001	0167-97-OH	Pending
William McNaught v. TTC, et al Divisional Court No. 254/02	3616-99-U; 3297-99-OH	Heard Dec. 12/02; reserved
Dundas Realities Ltd. v. MOL, et al Divisional Court No. 01-5359	3256-99-ES	Pending
663605 Ontario Ltd. o/a Guardian Eagle Resort Divisional Court No. 567/00	3742-97-ES	Dismissed
Tender Choice Foods Inc. v. Mirjana Jazvin Divisional Court No. 454/02	3058-01-ES	Pending – Apr. 28/03
Gwen Staub Employment Standards Officer v. Tenneco Canada, et al Divisional Court No. 80/2002	0935-01-ES	Tenneco seeking leave to appeal