



**GOVERNMENT OF PRINCE EDWARD ISLAND  
LABOUR RELATIONS BOARD**

M. Lynn Murray, B.B.A., LL.B.  
Chairman

Roy J. Doucette  
Chief Executive Officer

DEPARTMENT OF LABOUR  
P.O. BOX 2000  
CHARLOTTETOWN  
PRINCE EDWARD ISLAND  
C1A 7N8

D E C I S I O N

RE: APPLICATION FOR CERTIFICATION

BETWEEN: P.E.I. UNION OF PUBLIC SECTOR EMPLOYEES APPLICANT

AND: THE CHARLOTTETOWN DRIVING PARK AND PROVINCIAL EXHIBITION ASSOCIATION RESPONDENT

COUNSEL FOR THE APPLICANT - PATRICK A. AYLWARD  
COUNSEL FOR THE RESPONDENT - PAUL D. MICHAEL

1. Board Application No. 88-025 is an application by the P.E.I. Union of Public Sector Employees requesting certification for the employees of the Charlottetown Driving Park and Provincial Exhibition Association, filed with the Board on November 24, 1988. At the time of filing, membership cards, receipts, a list of members requesting certification, a list of officers and a Constitution accompanied the Application for Certification.

2. A reply opposing the Application was filed by the employer on December 9, 1988.

3. The Board convened a hearing on February 2, 1989 to deal with the matter. At that time, it was pointed out that the Applicant union was a body corporate and had not filed its Letters Patent or Supplementary Letters Patent. The Board requested briefs from the parties on whether or not such documentation was necessary.

4. The Board reviewed the arguments of the parties and unanimously concluded that such documentation was necessary. Section 3 (2) (c) of the Regulations states:

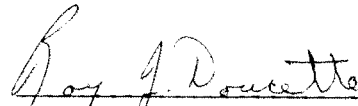
3. (2) Concurrently with the filing of an application for certification, the applicant trade union shall file with the Board the material upon which it relies to establish its right to certification and such material shall include

(c) a copy of its constitution, rules and bylaws, or other instruments or documents containing a full and complete statement of its objects and purposes.

The Board is of the view that the Letters Patent - Supplementary Letters Patent are necessary to enable the Board to have a full and complete statement of the applicant's objects and purposes. These must be filed concurrently with the Application for Certification.

Following the previous decisions of the Board in Schurman Supply (Charlottetown Branch) (June 24, 1988) and CAW-Canada and Garden Province Meats (1985) Ltd. (January 31, 1989), the Board rules it does not have jurisdiction to deal with the Application currently before it because the necessary documentation was not filed as required.

THIS DECISION made by the Labour Relations Board and issued under the hand of its Chief Executive Officer this 17th day of February, 1989.

  
\_\_\_\_\_  
Roy J. Doucette  
Chief Executive Officer