



File No. 97-004
97-008
Decision No. 97-009
97-010
97-011
97-012

IN THE MATTER OF APPLICATIONS FOR CERTIFICATION

BETWEEN:

UNITED CARPENTERS AND ALLIED WORKERS OF CANADA

APPLICANT

AND:

**STRAIT CROSSING INC.
WILLIAMS, MURPHY & MACLEOD (1983) LTD.
ATLANTIC DRYWALL AND PAINTING LTD.
M.F. SCHURMAN COMPANY, LIMITED
FITZGERALD AND SNOW LTD.
ARSENAULT BROTHERS CONSTRUCTION**

RESPONDENTS

AND:

**THE UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA; AND LOCAL 1338 OF THE
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA (UNDER SUPERVISION)
CGLU, LOCAL 1077
IBEW, LOCAL 1432
IRONWORKERS, LOCAL 752**

INTERVENORS

**Council for Applicant:
Council for UBCAJ:
Council for CGLU, Local 1077
Representative for IBEW, Local 1432
Representative for Ironworkers, Local 752**

**Steven Woodman
Ronald Pink
John Carr
Ray McBride
Roddy MacLennan**

DECISION

BACKGROUND

A hearing was convened on March 11, 1997 and reconvened on April 23 and 24, 1997, on the matter of the Application for Certification under Section 54 for the sole purposes of determining whether in fact the Applicant was a Trade Union within the meaning of Section 52(i) of the *Labour Act*. Notice of these Applications had been delivered to the United Brotherhood of Carpenters and Joiners of America, Local 1338 since they were identified on the Application for Certification as a Trade Union claiming to be the bargaining agent of the employees affected by these Applications. The hearings were conducted over a period of three days with Mr. Louis Bradley as the only witness for the Applicant. At the request of the Applicant and the Intervenor, the United Brotherhood of Carpenters and Joiners of America, Local 1338, (under supervision) the hearing was adjourned to a date to be set.

The Board was informed an agreement had been reached between the Applicant, United Carpenters and Allied Workers of Canada and the Intervenor, the United Brotherhood of Carpenters and Joiners of America and Local 1338, (under supervision) under which all matters have been settled and in which it was agreed that the Applicant, United Carpenters and Allied Workers of Canada, will forthwith consent to the dismissal of all Applications for Certification.

The Board was of the opinion that it could not dismiss the Applications until it had received a direct request from the Applicant or through the Applicant's solicitor directing the Board to dismiss the Applications for Certification. This position was conveyed to the parties. On May 28, 1997, the Board received, to the attention of the Chairman, the following letter, the text of which is fully set out herein:

May 28, 1997

Via Facsimile(368-5526)

*Prince Edward Island
Department of Provincial Affairs
and Attorney-General
Labour Relations Board of PEI
P.O. Box 2000
Charlottetown, PEI
CIA 7N8*

ATTENTION: George A. Lyle

Dear Mr. Lyle:

***RE: APPLICATIONS FOR CERTIFICATION BY United Carpenters and
Allied Workers of Canada (UCAW)***

As you are aware, we previously forwarded to the Labour Relations Board of Prince Edward Island a copy of an Agreement executed by Mr. Martin Kenny and Mr. Michael Keen on behalf of the UCAW. This Agreement was forwarded to you on the direction of the Executive of UCAW who directed us to request on behalf of UCAW the dismissal of the applications for certification.

Yours truly,

LEDWELL, LARTER & DRISCOLL

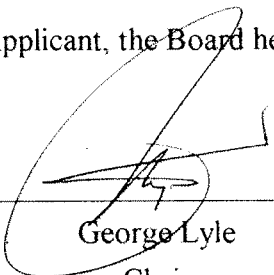
KEVIN KILEY

KK/kas

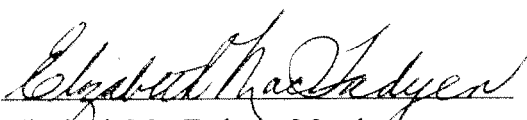
cc David Roberts (1-902-423-9588)

DECISION

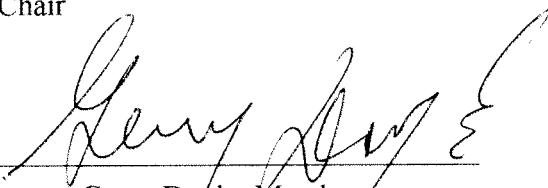
Pursuant then to the request of the Applicant, the Board hereby dismisses all the applications for certification.



George Lyle
Chair

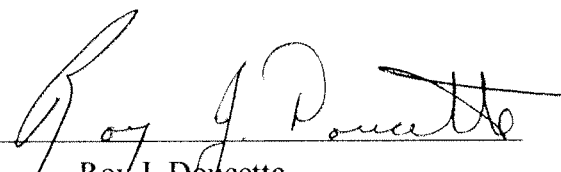


Elizabeth MacFadyen, Member



Gerry Doyle, Member

THIS DECISION made by the Labour Relations Board on this 27th day of June, 1997 and issued under the hand of its Chief Executive Officer.



Roy J. Doucette
Chief Executive Officer