



File No.

Decision No.
99-004

**IN THE MATTER OF AN APPLICATION UNDER SECTION 39 OF THE ACT
(SUCCESSOR RIGHTS)**

BETWEEN:

**CONSTRUCTION AND GENERAL LABOURERS'
AND GENERAL WORKERS' IN CONSTRUCTION,
INDUSTRIAL AND COMMERCIAL, LOCAL UNION
NO. 1077**

APPLICANT

AND:

ATLANTIC DRYWALL (1997) LIMITED

RESPONDENT

DECISION

BACKGROUND

1. On February 10, 1999, an application for successor rights was filed by the applicant requesting :

"That the Prince Edward Island Labour Relations Board exercise the authority vested in it in Section 39 (3) of the Labour Act, R. S. P. E. I. 1988, Cap. L-1, and do the following:

- (a) *Amend Certification Order No. 10-80 dated the 23rd day of October, 1980, as amended on February 14, 1995 to identify the employer therein to be Atlantic Drywall (1997) Limited;*
- (b) *To declare the Applicant trade union to be the bargaining agent of certain employees of the Respondent, Atlantic Drywall (1997) Limited, including all employees of the Respondent engaged as constructional labourers in the application and installation of drywall, steel studding and t-bar ceilings, in the Province of Prince Edward Island, but excluding non-working foremen and those above the rank of non-working foremen.*

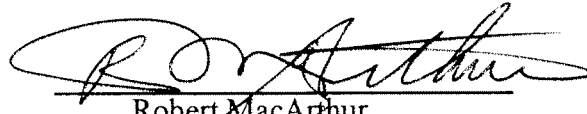
2. The Chief Executive Officer sent notice of the application to the Respondent on February 11, 1999, and scheduled March 5, 1999 as the Terminal date. No documentation was filed by the Respondent within the required time frame.

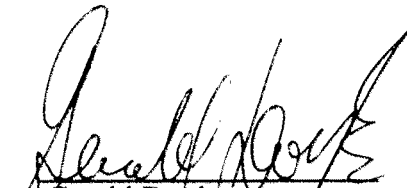
3. The Labour Relations Board (hereinafter referred to as the "Board") composed of Robert MacArthur as Chair, Elizabeth MacFadyen as employee representative and Gerald Doyle as employer representative, met on March 10, 1999 to consider the application.

4. Section 16, Subsection (5) of the Prince Edward Island labour Act Regulations states as follows:

"Where no reply has been filed and no statement of desire to make representations has been filed or any such reply or statement that has been filed does not state that a party desires a hearing before the Board, the Board may dispose of the application upon the material before it without further notice to any party or to the employees."

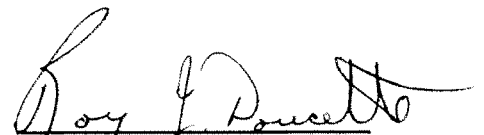
5. In light of the foregoing, the "Board" finds the applicant has satisfied the requirements imposed by the Labour Act, Supra. Accordingly, a declaration and order will issue to the applicant stating that the Respondent is the successor to Brunswick Drywall Limited and Certification 10-80 will be amended to reflect this decision of the "Board."


Robert MacArthur


Gerald Doyle


Elizabeth MacFadyen

THIS DECISION of the Labour Relations Board was made the 10th day of March, 1999, and issued under the hand of its Chief Executive Officer.


Chief Executive Officer



File No.

Decision No.

Serial No. 10-80

Application No. 99-004

AMENDMENT

**IN THE MATTER OF APPLICATION UNDER SECTION 39 OF THE ACT
(SUCCESSOR RIGHTS)**

BETWEEN:

**CONSTRUCTION AND GENERAL LABOURERS'
AND GENERAL WORKERS' IN CONSTRUCTION
INDUSTRIAL AND COMMERCIAL, LOCAL UNION
NO. 1077**

APPLICANT

AND:

ATLANTIC DRYWALL (1997) LIMITED

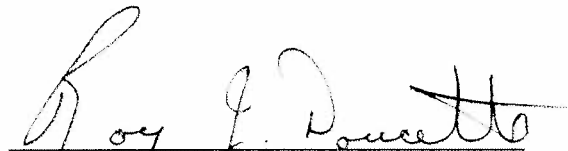
RESPONDENT

WHEREAS an Application for Successor Rights was filed by the Applicant requesting the Prince Edward Island Labour Relations Board to declare that Brunswick Drywall Limited is a successor employer to Atlantic Drywall (1997) Limited.

AND WHEREAS, following investigation and consideration of the Application and of the submissions of the Applicant concerned, the Board has found that the Applicant has satisfied the requirements imposed by the Labour Act, supra.

NOW, THEREFORE it is hereby ordered by the Prince Edward Island Labour Relations Board that Atlantic Drywall (1997) Limited is a successor employer to Brunswick Drywall Limited.

THIS DECISION made by the Labour Relations Board on March 10, 1999 and issued under the hand of its Chief Executive Officer.


Roy Doucette
Chief Executive Officer

PANEL:

Robert MacArthur, Chair
Elizabeth MacFadyen, Member
Gerald Doyle, Member