



## ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0781-24-R**

**Metropolitan Toronto Apartment Builders' Association**, Applicant  
v Labourers' International Union of North America, Local 183,  
Responding Party

**BEFORE:** Danna Morrison, Vice-Chair

**DECISION OF THE BOARD:** July 24, 2024

1. This is an application for accreditation made pursuant to section 134 of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act") in which the applicant seeks to be accredited as the bargaining agent of employers of certain employees engaged in the on-site construction of all types of apartment buildings and their amenities for whom the responding party holds bargaining rights in certain specified Ontario Labour Relations Board Areas.
2. The responding party filed a timely response.
3. On January 22, 2001, the applicant was accredited as bargaining agent of employers engaged in the on-site construction of all types of apartment buildings and their amenities up to the takeover of the said construction project or part thereof by maintenance and management employees of the employer or maintenance and management employees of some other employer bound to the responding party in Ontario Labour Relations Board Geographic Area No. 8 and in Simcoe County in Ontario Labour Relations Board Geographic Area No. 18.
4. In the current application, the applicant has filed for accreditation of a similarly described bargaining unit in the "new area" of Ontario Labour Relations Board Geographic Area Nos. 7, 9, 10, 11, 12, 27, and the District of Muskoka and has at the same time included in its application a request to vary the existing accreditation and merge the 2001 accreditation certificate with any new accreditation certificate.

The applicant relies on *The Residential Low Rise Forming Contractors Association of Metropolitan Toronto and Vicinity*, 2020 CanLII 6776 (ON LRB) in support of this request.

5. The parties entered into an agreement with the assistance of a Board mediator, finalized on July 17, 2024, in which they have agreed on a description of the appropriate bargaining unit for this application as well as the appropriate merged bargaining unit, the form of notice to the employers that may be affected by this application and the manner in which it is to be published, and the list of employers that come within the bargaining unit for which the applicant seeks accreditation.

6. Section 135 of the Act requires the Board, upon an application for accreditation, to determine “the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector...” Section 135 also provides that the Board, in making that determination, “need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.”

7. The bargaining unit description to which the parties have agreed is:

all employers of employees for whom Labourers’ International Union of North America, Local 183 (the “Union”) holds bargaining rights engaged in the on-site construction of all types of apartment buildings only and their amenities, up to the takeover of the said construction project or part thereof by maintenance and management employees of the Employer or maintenance and management employees of some other employer in OLRB Areas Nos. 7, 9, 10, 11, 12, 27 and the District of Muskoka.

While the parties’ agreement is a significant factor in the Board’s determination of the appropriate bargaining unit under section 135 of the Act, the employers and others who may be affected by this application may have submissions to make with respect to the description of the bargaining unit and any other issues that may arise in this proceeding.

8. The Board has not yet determined whether the description of the proposed bargaining unit to which the applicant and responding

party agreed is an appropriate bargaining unit within the meaning of section 135(1) of the Act. The Board will make that determination after the Employer Filing Date or, if a hearing is scheduled in this matter, at or after that hearing.

9. Notice of this application must be provided to any employer that may be affected by this application.

10. The applicant and responding party have agreed on the form of notice that is to be provided. They have also agreed that notice should be published on the Board's website and in publications directed at construction industry contractors as well as in newspapers distributed in the geographic area affected by this application. Therefore, the Board directs the applicant to publish at its expense the attached Notice to Employers as an advertisement in the following publications:

- Daily Commercial News;
- Toronto Star
- Guelph Mercury Tribune
- Muskokaregion.com; and
- Peterborough Examiner.

The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **August 1, 2024**.

11. The Board directs the applicant to send forthwith to the employers on the List of Employers filed by the applicant and responding party, a copy of this decision together with a blank "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) and a blank "Accreditation: List of Employees" and to provide the Board and the responding party with confirmation of delivery to those employers.

12. The Board directs the Registrar to post the attached Notice to Employers and a copy of the "Notice to Employers of Application" on the Board's website.

13. The Registrar has fixed the Employer Filing Date as **August 23, 2024**.

14. Any employer that is affected by this application or believes it may be affected must file an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) with the Board on or before **August 23, 2024** in order to participate in these proceedings.

Any employer that does not file a Form A-94 by the Employer Filing Date will not be entitled to any further notice in this matter. This matter may proceed and be determined based on the submissions filed with the Board without further notice to any employer that has not filed a Form A-94.

15. The parties will be advised in due course if a hearing is required into this matter. If a hearing is scheduled in this application, notice of that hearing will be provided to the parties and to the employers that had filed a Form A-94 on or before the Employer Filing Date.

16. The Board has not yet made the determinations required by sections 134 and 136 of the Act. Those matters, together with the description of the appropriate bargaining unit, will be determined by the Board after the Employer Filing Date or if a hearing is scheduled in this matter, at or after that hearing.

17. This panel of the Board is not seized with this matter.

“Danna Morrison”  
for the Board

**NOTICE TO ALL EMPLOYERS OF CONSTRUCTION EMPLOYEES  
REPRESENTED BY LABOURERS' INTERNATIONAL UNION OF  
NORTH AMERICA, LOCAL 183 ENGAGED IN THE ON-SITE  
CONSTRUCTION OF ALL TYPES OF APARTMENT BUILDINGS  
ONLY AND THEIR AMENITIES IN OLRB BOARD AREAS 7,9, 10,  
11, 12, 17 AND THE DISTRICT OF MUSKOKA**

The Metropolitan Toronto Apartment Builders Association ("MTABA") has applied for accreditation as an Employer Association pursuant to section 134 of the Ontario Labour Relations Act, 1995, for the following bargaining unit subject to specified exclusions and clarifications:

All employers of employees for whom Labourers' International Union of North America, Local 183 (the "Union") holds bargaining rights engaged in the on-site construction of all types of apartment buildings only and their amenities, up to the takeover of the said construction project or part thereof by maintenance and management employees of the Employer or maintenance and management employees of some other employer in OLRB Areas Nos. 7, 9, 10, 11, 12, 27 and the District of Muskoka.

The MTABA is currently the accredited bargaining agent in respect of employers bound by collective agreements with Labourers' International Union of North America, Local 183 ("Local 183") engaged in on-site construction of all types of apartment buildings and their amenities, up to the takeover of the said construction project or part thereof by maintenance and management employees of the Employer or maintenance and management employees of some other employer, in Ontario Labour Relations Board Area No. 8 and Simcoe County.

This Application affects all employers of employees for whom the Labourers' International Union of North America, Local 183 holds bargaining rights and who operate in the above-noted bargaining unit. If you are an employer that is or may be affected by this Application, you must file an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) by the Employer Filing Date. The Employer Filing Date fixed by the Registrar in this matter is **August 23, 2024**.

You can determine whether your company is by inspecting the material filed in this application (OLRB Case No. 0781-24-R) at the following location:

<http://www.olrb.gov.on.ca/Construction-EN.asp>

There, you will find a complete copy of the pleadings in this matter, copies of the Application and Response forms filed, list of employers who the MTABA and Local 183 believe may be affected by this Application, and the precise description of the proposed bargaining unit. You may also access any OLRB decisions related to this application at the OLRB's website above.

Even if you are not listed on the List of Employers, you may be able to obtain notice of the proceeding if you are an employer that employs individuals in the proposed bargaining unit, and you have been active in the relevant geographic areas within one year of the date of application (June 27, 2024).

The Board may determine this matter without a Hearing after the Employer Filing Date or, if a Hearing is scheduled, only those Employers who have filed an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) will receive notice of that Hearing.

Questions may be directed to Carrie Clynick, Senior Mediator, OLRB, [Carrie.Clynick@ontario.ca](mailto:Carrie.Clynick@ontario.ca), 647-280-5419.

All employers are urged to confirm whether they are affected by the Application as no further notice of this matter will be given unless employers notify the Board, by filing Form A-94, on or before **August 23, 2024**, that they are affected by the Application and wish to participate in the proceeding.