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February 23, 2026

File Number 3780-220003

**VIA ELECTRONIC SUBMISSION (A-108)**

Catherine Gilbert  
Director/Registrar  
Ontario Labour Relations Board  
505 University Avenue, 2nd Floor  
Toronto ON M5G 2P1

Dear Ms. Catherine Gilbert:

**Re: Personnel & Material Hoist Employers' Association (“Applicant”) v International Union of Operating Engineers, Local 793 (“Responding Party”)**  
**OLRB File No.: 1563-25-R**

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As you know, we are counsel for the Applicant in the above noted application for accreditation. We acknowledge receipt of the Board’s decision dated February 18, 2026 directing the Applicant to have the notice of the application published in the Globe & Mail as the Board had directed be done in its decision in this matter dated October 28, 2025.

First, we sincerely apologize for the failure to comply with the Board’s initial direction in this matter with respect to having the requisite notice published in the Globe & Mail. Please be assured the Applicant did not intend to flout the Board’s direction. Rather, because the parties had initially agreed to have the notice published in both the Daily Commercial News and the Globe & Mail, and the Board issued its direction based on the parties’ agreement, we erroneously assumed that with the parties’ agreeing to not publish the notice in the Globe & Mail, the Board would have accepted the parties’ agreement. It was a mistake not to seek leave of the Board at that time to limit the publication of the notice to only the Daily Commercial News. That mistake will not happen again.

Second, the Board in its February 18, 2026 decision directed “the applicant to publish at its expense the Notice to Employers **that was originally published in the Daily Commercial News**, pursuant to the October 28, 2025 decision, as an advertisement in the Globe and Mail.” [emphasis added]

The notice that was originally published in the Daily Commercial News referred to **Tuesday November 24, 2025** as the Employer Filing Date fixed by the Registrar.

In the circumstances, the Applicant requests the Board permit the Applicant to amend the notice it will have published in the Globe & Mail during the week ending February 27 to use different deadline date. We respectfully suggest that the Board permit the Applicant to insert a deadline date for any filing within the notice as March 17, 2026 unless the Registrar chooses a different employer response date pursuant to Rule 23.5.

Based on all the relevant circumstances, we request leave of the Board to amend the notice for publication in the Globe & Mail that had been published in the Daily Commercial News to read:

“... 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 proceeding is Tuesday, **March 17, 2026**. with the Board.

...

All employers are urged to confirm whether they are affected by this Application for Accreditation as no further notice of this matter will be given unless employers notify the Board by filing an “Employer Filing” not later than **March 17, 2026**.”

We look forward to receiving confirmation from the Board that the amended notice being proposed is acceptable to the Board in order that we can ensure publication of the notice in the Globe & Mail during the week ending February 27, 2026 as directed by the Board.

Yours truly,  
**SHERRARD KUZZ LLP**



Michael G. Sherrard, K.C. (he/him)\*  
Partner  
MGS/jj

\*Michael G. Sherrard, President, Michael Sherrard Professional Corporation

- c. IUOE, Local 793 (Kathryn Bell, Farnaz Talebpour and Melissa Atkins-Mahaney)  
PMHEA (Mackenzie Cszaszar)