

Form A-46

LABOUR RELATIONS ACT, 1995

**RESPONSE TO APPLICATION CONCERNING
FAILURE TO FURNISH FINANCIAL STATEMENT**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

Responding Party.

The responding party states in response to the application:

OR

_____ **intervenes in this**
(Name of Intervenor)

proceeding and states in response to the application:

1. (a) Correct name of the responding party/intervenor:

- (b) Address, telephone number, facsimile number and e-mail address of the responding party/ intervenor:

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(c) Name, address, telephone number, facsimile number and e-mail address of a contact person for the responding party/intervenor:

(d) Name, address, telephone number, facsimile number and e-mail address of the treasurer or other officer responsible for the handling and administration of the funds of the responding party/intervenor:

(e) E-mail address of representative and assistant (if any):

Counsel: **Assistant:**

Paralegal: **Assistant:**

other: **Assistant:**

2. (a) Name, address, telephone number, facsimile number and e-mail address of any other person, trade union, employer or employer's organization who may be affected by the application and who has not already been identified by another party:

(b) The person, trade union, employer or employers' organization named in paragraph 2(a) is affected by the application for the following reason(s):

[You must deliver to the person(s) named in paragraph 2(a): a copy of the application, a copy of the Notice to Responding Party and/or Affected Party of Application Concerning Failure to Furnish Financial Statement, a completed copy of your response, and a blank response form. You must also complete the attached Certificate of Delivery.]

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3. [] The responding party furnished the applicant with a copy of the audited financial statement of its affairs to the end of the last fiscal year, certified to be a true copy by

_____ on _____.
(Name) (Date)

OR

- [] The applicant is not entitled to request the responding party to furnish a copy of the audited financial statement of its affairs to the end of its last fiscal year for the following reasons:

4. The following statements in the application are agreed to:

5. The following statements in the application are not agreed to:

6. In support of its response, the responding party relies on the following material facts:

(Include **all** of the material facts on which you rely including the circumstances, what happened, where and when it happened, and the names of any persons said to have acted improperly. Please note that you will not be allowed to present evidence or make any representations about any material fact that was not set out in the response and filed promptly in the way required by the Board's Rules of Procedure, except with the permission of the Board.)

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7. In respect of the order(s) requested by the applicant, the responding party states:

(Describe your position with respect to the order(s) requested by the applicant.)

8. **[Complete this section only if you are intervening in this case.]**

The intervenor claims to be affected by the application for the following reasons:

9. Other relevant statements:

DATED _____.

**Signature for the Responding
Party/Intervenor**

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CERTIFICATE OF DELIVERY

1. I certify that a completed copy of the response was delivered to [] the applicant, [] the responding party, and/or [] any affected party named in paragraph 2 of the application or in a response filed by another party, as follows:

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

2. **[Complete this section only if you named an affected party in paragraph 2 of your response that was not named in paragraph 2 of the application or in a response filed by another party.]**

I certify that the following documents were delivered to the affected party named in paragraph 2 of this response:

- a copy of the application;
- a copy of the Notice to Responding Party and/or Affected Party of Application Concerning Failure to Furnish Financial Statement (Form C-22);
- a completed copy of the response; and
- a blank copy of a Response to Application Concerning Failure to Furnish Financial Statement (Form A-46).

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

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[Complete either section 3 or section 4 or section 5 below.]

3. The documents were delivered by [] facsimile transmission or [] hand delivery on _____ at _____ a.m./p.m.
(Date)

4. The documents were posted by [] regular mail on _____
(Date)
at _____ a.m./p.m.

5. The documents were given to _____ on
(Name of Courier)
_____ and I was advised that they would be delivered
(Date)
not later than _____, at _____ a.m./p.m.
(Date)

NAME: _____

TITLE: _____

SIGNATURE: _____

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IMPORTANT NOTES

FRENCH OR ENGLISH

Si vous communiquez avec la Commission, vous avez le droit de recevoir des services en français et en anglais. Vous pouvez consulter les règles de la Commission, les formulaires et les bulletins d'information sur le site Web de la Commission au www.olrb.gov.on.ca ou composer le 416-326-7500 ou (sans frais) le 1 877 339-3335 pour de plus amples renseignements. Veuillez prendre note que la Commission n'offre pas de services d'interprétation dans les langues autres que le français et l'anglais.

You have the right to communicate with, and receive available services from, the Board in either English or French. You can access the Board's Rules, Forms and Information Bulletins from its website at www.olrb.gov.on.ca or by calling 416-326-7500. Please note that the Board does not provide translation services in languages other than English or French.

CHANGE OF ADDRESS

Please notify the Board immediately of any change in your address, phone or fax numbers, or your e-mail address. If you fail to notify the Board of any changes, correspondence sent to your last known address may be deemed to be reasonable notice to you and the application may proceed in your absence.

EMAIL

If you have provided an e-mail address with your contact information, the Board will in all likelihood communicate with you by e-mail from a generic out-going address. Please be advised that the Board is not yet equipped to receive communications from you by e-mail.

OLRB RULES OF PROCEDURE

The Board's Rules of Procedure describe how an application, response or intervention must be filed, what information must be provided and the time limits that apply. You can obtain a copy of the Rules from the Board's office at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1 (Tel: 416-326-7500) or from the Board's website.

ACCESSIBILITY and ACCOMMODATION

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, the Board makes every effort to ensure that its services are provided in a manner that respects the dignity and independence of persons with disabilities. Please tell the Board if you require any accommodation to meet your individual needs.

FREEDOM OF INFORMATION and PROTECTION OF PRIVACY

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Personal information is collected on this form under the authority of the Board's governing legislation to assist in the processing of this application. In addition, information received in written or oral submissions may be used and disclosed for the proper administration of the Board's legislation and processes. The *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 F.31 governs the collection, use and disclosure of this information.

Any information that you provide to the Board that is relevant to this application must in the normal course be provided to the other parties to the proceeding.

HEARINGS and DECISIONS

Board hearings are open to the public unless the panel decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library, and over the internet at www.canlii.org, a free legal information data base. Some summaries and decisions may be found on the Board's website under *Highlights* and Recent Decisions of Interest.