

In the matter of an arbitration hearing;

B E T W E E N:

Avon Maitland District School Board

(the “Employer”)

and

Ontario Secondary School Teachers’ Federation

(the “Union”)

Re: Grievance of Michael Lenting (Grievance #18-006)

Arbitrator: Sheri Price

On behalf of the Union:

Joshua Phillips and Erin Epp, Ursel Phillips Fellows Hopkinson LLP, Counsel

On behalf of the Employer:

Michael Hines, Hicks Morley Hamilton Stewart Storie LLP, Counsel

[1] I was appointed by the parties as sole arbitrator to hear and determine the September 27, 2018 grievance filed by the Union on behalf of Michael Lenting with respect to the September 2018 termination of his employment. The arbitration hearing was scheduled for December 3, 2018 in Stratford.

[2] On November 29, 2018, counsel for the Union wrote to me and counsel for the Employer indicating that the Union was withdrawing the grievance and that the December 3, 2018 arbitration should be cancelled accordingly.

[3] The Employer responded that it opposed the withdrawal of the grievance and the cancellation of the arbitration hearing at such a late stage.

[4] On November 30, 2018, I convened a conference call to hear the parties' submissions with respect to this issue.

[5] Having considered the parties' written and oral submissions, and for the reasons outlined by Arbitrator Sanderson in *Burnaby (City) v. Canadian Union of Public Employees*, [2000] B.C.C.A.A.A. No. 300, and the other cases relied upon by the Union, I find that the Union is entitled to withdraw the grievance, especially since the arbitration hearing has not yet commenced.

[6] In the absence of a grievance, there is no dispute before me for determination. Accordingly, the hearing scheduled for December 3, 2018 is hereby cancelled.

Dated at Toronto this 30th day of November, 2018



Sheri Price
Sole arbitrator