

Master Chambers (MC1) – Physical Courtroom 903

Reminder – Morning Chambers scheduled after July 4, 2022, to be heard on or after September 6, 2022, will be scheduled in person. Please visit:

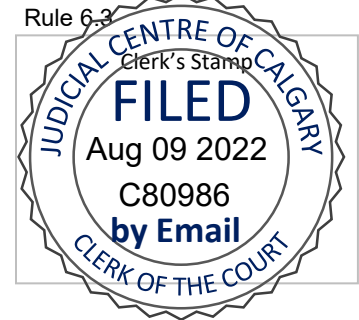
<https://albertacourts.ca/qb/resources/announcements/hearing-guidelines-pilot-project>

Form 27

Alberta Rules of Court

Rule 6.3

COURT FILE NO.	2201-07664
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFFS (RESPONDENTS)	CHRISTOPHER ANDREW, MICHAEL ANDRUSCO, MATHEW BROOKS, CORY BRUNEAU, DONOVON COATES, STEPHEN DABBAGH, NICHOLAS DUGAS, COLIN FLEURY, DARCY GOOSSEN, DARREN HANSMA, JASON HORVATH, JONATHAN ILGERT, EVAN JOHNSON, JAMES MCDONALD, JAKOB MCKERVEY, MACKENZIE NIELSEN, MATTHEW POULIN, WILFRED GORDON RINKE, AND JEFFREY YOUNG
DEFENDANT (APPLICANT)	CITY OF CALGARY (CALGARY FIRE DEPARTMENT)
DOCUMENT	APPLICATION BY THE DEFENDANT, CITY OF CALGARY (CALGARY FIRE DEPARTMENT)
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	The City of Calgary Law, Legal Services (8053) 12 th Floor, Calgary Municipal Building 800 Macleod Trail S.E. Calgary, Alberta T2G 2M3 Solicitors: Christopher Ghesquiere / Avril Fisher Telephone: (403) 268-5095 / (403) 268-1413 Facsimile: (403) 268-4634 File No. L8960



NOTICE TO RESPONDENTS

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date:	Friday, September 9, 2022
Time:	10:00 AM
Where:	Calgary Courts Centre, 601 – 5 Street S.W., Calgary, AB T2P 5P7
Before Whom:	The Presiding Master in Chambers

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. Striking the plaintiffs' claim as against the defendant, The City of Calgary, pursuant to Rule 3.68 of the *Alberta Rules of Court*;
2. Awarding the defendant, The City of Calgary, costs in an amount to be determined by this Honourable Court; and
3. Such further and other relief as this Honourable Court deems just.

Grounds for making this application:

4. The plaintiffs are all current or former employees of the City of Calgary with the Calgary Fire Department.
5. At all material times, the plaintiffs were unionized employees subject to and bound by a Collective Agreement (the "**Collective Agreement**") entered into between The City of Calgary and the Calgary Firefighters Association, Local 255, International Association of Firefighters (the "**Union**").
6. The Union was the exclusive bargaining agent for the plaintiffs in their employment relationship with The City of Calgary.
7. The Collective Agreement's purposes include stipulating all terms and conditions of employment for members of the Union.
8. Properly characterized, the essential nature of the dispute raised by the allegations in the Statement of Claim falls within the ambit of the Collective Agreement. The essential nature of the dispute arises either explicitly, or implicitly, from the interpretation, application, administration, or alleged violation of the Collective Agreement.
9. The Collective Agreement provided a grievance procedure to address any differences concerning the interpretation, application, operation or any alleged violation of the Collective Agreement or any questions as to whether any difference is arbitral that arises between the parties to the Collective Agreement or persons bound by the Collective Agreement. The grievance procedure had progressive steps for resolving disputes, with the final step being submitting such disputes to arbitration before a grievance arbitration board, with the decision of the grievance arbitration board being final and binding.
10. The Collective Agreement sets out a dispute resolution process that involves final and binding arbitration for resolution of the dispute raised in the Statement of Claim.
11. Resolution of the dispute between the parties falls within the exclusive jurisdiction of a grievance arbitration board appointed in accordance with the grievance procedure set out in the Collective Agreement.
12. It is plain and obvious that this Honourable Court has no jurisdiction to hear this matter and this claim should be struck out in its entirety.

Material or evidence to be relied on:

13. Statement of Claim, filed July 7, 2022; and
14. The affidavit of Shanna Jaap, filed.

Applicable rules:

15. Rules 3.30, 3.68, 6.2, 6.3, and 10.29 of the *Alberta Rules of Court*.

Applicable Acts and regulations:

16. *Labour Relations Code*, RSA 2000, c L-1.
17. *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3.
18. *Designation of Constitutional Decision Makers Regulation*, Alta Reg 69/2006.

Any irregularity complained of or objection relied on:

19. N/A.

How the application is proposed to be heard or considered:

20. This application shall be heard before the presiding Master in Chambers.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicants what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicants a reasonable time before the application is to be heard and considered.