

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

Case No.: 2009-09
Decision No.: TSSTC-09-021

CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

Dover Industries Ltd.
appellant

and

Syndicat des employés de Cereal Foods
respondent

May 25, 2009

This case was decided by Appeals Officer Michael Wiwchar.

For Dover Industries Ltd.
François Longpré, Borden Ladner Gervais

For the Syndicat des employés de Cereal Foods
Wayne Wilson, union advisor for the syndicat des employés de Cereal Foods
(C.S.D.)

**TRANSLATION/
TRADUCTION**

- [1] On February 27, 2009, an appeal was filed under the *Canada Labour Code, Part II (Code)*, subsection 146(1) by François Longpré, on behalf of Dover Industries Ltd., in response to a direction issued against the latter on January 30, 2009 by Health and Safety Officer (HSO) Régis Tremblay following his investigation of a deflagration on January 23, 2009 in one of the buildings at their workplace in Montréal, Quebec, this deflagration having caused physical and psychological damage to two of their employees.
- [2] Further to a teleconference held on March 4, 2009 and the issuance of my interlocutory decision on April 28, 2009 on this case, Mr. Longpré advised me on May 20, 2009, that Dover Industries Ltd. was withdrawing their appeal.
- [3] In his letter of May 20, 2009, Mr. Longpré also informed me that the situation in regard to the legislative provision applicable to the case had been regularized by the employer, and that on May 12, 2009, the latter had received from OHS Tremblay, the release from the directions he had issued following the accident on January 23, 2009 – with the exception of a direction not covered by this appeal.
- [4] After reviewing the notice of withdrawal of the appeal as formulated by Mr. Longpré, I am closing this case.

Michael Wiwchar
Appeals Officer