

**SUPREME COURT OF CANADA**

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| **Citation:** International Brotherhood of Electrical Workers (IBEW) Local 773 *v.* Lawrence, 2018 SCC 11, [2018] 1 S.C.R. 267 | **Appeal heard:** March 20, 2018  **Judgment rendered:** March 20, 2018  **Docket:** 37617 |

Between:

International Brotherhood of Electrical Workers (IBEW) Local 773,

Karl Lovett, Ken Gelinas, Jeff McPherson, Mark Stobbs,

**Sean Bristow, Robert Duby, Norm Ball and Fred Bloomfield**

Appellants

and

Pamela Lawrence

Respondent

- and -

**Provincial Building and Construction Trades Council of Ontario**

Intervener

**Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ.

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| **Reasons for Judgment:**  (paras. 1 to 2) | Brown J. (Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Rowe and Martin JJ. concurring) |

International Brotherhood of Electrical Workers (IBEW) Local 773 *v.* Lawrence, 2018 SCC 11, [2018] 1 S.C.R. 267

International Brotherhood of Electrical Workers (IBEW) Local 773,

Karl Lovett, Ken Gelinas, Jeff McPherson, Mark Stobbs,

Sean Bristow, Robert Duby, Norm Ball and Fred Bloomfield Appellants

v.

Pamela Lawrence Respondent

and

Provincial Building and Construction Trades Council of Ontario Intervener

**Indexed as:** International Brotherhood of Electrical Workers (IBEW) Local 773 ***v.*** Lawrence

2018 SCC 11

File No.: 37617.

2018: March 20.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ.

on appeal from the court of appeal for ontario

*Civil procedure — Parties — Addition — Representation order — Plaintiff commencing action for wrongful dismissal against trade union and several union directors — After expiry of limitation period, plaintiff bringing motion for representation order to amend statement of claim to add already named union directors as representatives of all members of union — Motion judge finding that motion was attempt to correct error in title of proceedings rather than attempt to add additional parties after limitation period, and allowing motion — Court of Appeal dismissing appeal — Request for representation order properly characterized as request to correct name of party incorrectly named — Members of union on notice well before expiry of limitation period that plaintiff intended to sue legal entity that they comprise as members — Union and union directors participating in action for over two years and action ready for trial — No further procedural steps required as result of representation order and no prejudice to defendants — Rules of Civil Procedure, R.R.O. 1990, Reg. 194, rr. 5.04(2), 12.07.*

APPEAL from a judgment of the Ontario Court of Appeal (Sharpe, Lauwers and Hourigan JJ.A.), 2017 ONCA 321, 138 O.R. (3d) 129, 420 D.L.R. (4th) 4, 17 C.P.C. (8th) 289, 2017 CLLC ¶220-039, [2017] O.J. No. 1944 (QL), 2017 CarswellOnt 5650 (WL Can.), affirming a decision of Hebner J., 2016 ONSC 5129, 6 C.P.C. (8th) 439, [2016] O.J. No. 7191 (QL), 2016 CarswellOnt 21794 (WL Can.). Appeal dismissed, Abella J. dissenting.

Dan J. Shields and Brandin O’Connor, for the appellants.

Tim Gleason, Sean Dewart and Adrienne Lei, for the respondent.

Douglas J. Wray and Jesse Kugler, for the intervener.

The judgment of the Court was delivered orally by

1. Brown J. — A majority of the Court dismisses the appeal, substantially for the reasons set out in paras. 16, 27 and 28 of Justice Sharpe at the Court of Appeal. Justice Abella, dissenting, would have allowed the appeal for the reasons of Justice Hourigan.
2. The appeal is dismissed with costs.

*Judgment accordingly.*

Solicitors for the appellants: Shields O’Donnell MacKillop, Toronto.

Solicitors for the respondent: Dewart Gleason, Toronto.

Solicitors for the intervener: CaleyWray, Toronto.