

**Gypsumville District Teachers' Association
No. 1612 of the Manitoba Teachers' Society**
(Applicant) Appellant;

and

**Consolidated School District of Gypsumville
No. 2461** (Respondent) Respondent;

and

**The Minister of Education and Harold
Piercy** (Respondents).

**Gypsumville District Teachers' Association
N° 1612 de la Manitoba Teachers' Society**
(Requérante) Appelante;

et

**Consolidated School District de Gypsumville
N° 2461** (Intimé) Intimé;

et

Le ministre de l'Éducation et Harold Piercy
(Intimés).

The Pine Creek School Division No. 30
(Applicant) Appellant;

and

**The Pine Creek Division Association No. 30
of The Manitoba Teachers' Society**
(Respondent) Respondent;

and

The Minister of Education and Mel Myers
(Respondents).

1980: October 16.

Present: Martland, Ritchie, Dickson, Estey and
Lamer JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR
MANITOBA

Arbitration — Arbitrators — Neither of two nominated arbitrators impartial — Neutral chairman — No grounds of disqualification — The Public Schools Act, C.C.S.M., c. P250, s. 387(2).

APPEALS from a judgment of the Court of Appeal for Manitoba¹, dismissing appeals from a judgment of Kroft J. dismissing the appellants' applications for orders declaring that arbitrators nominated by the respondents under s. 387(2) of *The Public Schools Act*, C.C.S.M., c. P250, be disqualified. Appeals dismissed.

F. D. Allen, Q.C., for the appellant Gypsumville District Teachers' Association No. 1612 of the Manitoba Teachers' Society.

The Pine Creek School Division N° 30
(Requérante) Appelante;

et

**The Pine Creek Division Association N° 30
de la Manitoba Teachers' Society** (Intimée)
Intimée;

et

Le ministre de l'Éducation et Mel Myers
(Intimés).

1980: 16 octobre.

Présents: Les juges Martland, Ritchie, Dickson, Estey et Lamer.

EN APPEL DE LA COUR D'APPEL DU MANITOBA

Arbitrage — Arbitres — Impartialité d'aucun des deux arbitres nommés — Président neutre — Aucuns motifs d'inhabilité — The Public Schools Act, C.C.S.M., chap. P250, art. 387(2).

POURVOIS à l'encontre d'un arrêt de la Cour d'appel du Manitoba¹, qui a rejeté les appels d'un jugement du juge Kroft qui avait rejeté les requêtes des appelants visant l'obtention d'ordonnances déclarant inhabiles les arbitres nommés par les intimés en vertu du par. 387(2) de *The Public Schools Act*, C.C.S.M., chap. P250. Pourvois rejetés.

F. D. Allen, c.r., pour l'appelante Gypsumville District Teachers' Association N° 1612 de la Manitoba Teachers' Society.

¹ [1979] 6 W.W.R. 616, 1 Man. R. (2d) 93.

¹ [1979] 6 W.W.R. 616, 1 Man. R. (2d) 93.

D. H. Ringstrom, for the respondent Consolidated School District of Gypsumville No. 2461.

D. H. Ringstrom, for the appellant Pine Creek School Division No. 30.

F. D. Allen, Q.C., for the respondent Pine Creek Division Association No. 30 of the Manitoba Teachers' Society.

The judgment of the Court was delivered orally by

MARTLAND J.—We are all of the opinion that, in the circumstances of these two appeals, we should not interfere with the judgments of the Court of Appeal. The appeals are dismissed, without costs.

Judgment accordingly.

Solicitors for the Gypsumville District Teachers' Association No. 1612 of the Manitoba Teachers' Society and the Pine Creek Division Association No. 30 of the Manitoba Teachers' Society: Allen & Booth, Winnipeg.

Solicitors for the Pine Creek School Division No. 30 and the Consolidated School District of Gypsumville No. 2461: Fillmore & Riley, Winnipeg.

D. H. Ringstrom, pour l'intimé Consolidated School District de Gypsumville N° 2461.

D. H. Ringstrom, pour l'appelante Pine Creek School Division N° 30.

F. D. Allen, c.r., pour l'intimée Pine Creek Division Association N° 30 de la Manitoba Teachers' Society.

Version française du jugement de la Cour prononcé oralement par

MARTLAND J.—Nous sommes tous d'avis que dans les circonstances de ces deux appels, nous ne devrions pas modifier les arrêts de la Cour d'appel. Les appels sont rejetés sans dépens.

Jugement en conséquence.

Procureurs de la Gypsumville District Teachers' Association N° 1612 de la Manitoba Teachers' Society et de la Pine Creek Division Association N° 30 de la Manitoba Teachers' Society: Allen & Booth, Winnipeg.

Procureurs de la Pine Creek School Division N° 30 et du Consolidated School District de Gypsumville N° 2461: Fillmore & Riley, Winnipeg.