

April 21, 2011

Le 21 avril 2011

Coram: McLachlin C.J. and Abella and  
Cromwell JJ.

Coram : La juge en chef McLachlin et les  
juges Abella et Cromwell

**BETWEEN:**

**ENTRE :**

John Murphy

John Murphy

Applicant

Demandeur

- and -

- et -

John Wynne, William Holmes, William  
Kinlock, James Dougan, Barry Clark,  
Richard O'Brien, Russell St. Eloi, Tom  
Millar, Tom Tomko, Anne St. Eloi,  
Alexander McDonald, James Brady, Al  
Phillips, Ray Callard and Local 170 of the  
United Association of Journeymen and  
Apprentices of the Plumbing and Pipefitting  
Industry of the United States and Canada

John Wynne, William Holmes, William  
Kinlock, James Dougan, Barry Clark,  
Richard O'Brien, Russell St. Eloi, Tom  
Millar, Tom Tomko, Anne St. Eloi,  
Alexander McDonald, James Brady, Al  
Phillips, Ray Callard et Local 170 of the  
United Association of Journeymen and  
Apprentices of the Plumbing and Pipefitting  
Industry of the United States and Canada

Respondents

Intimés

**AND BETWEEN:**

**ET ENTRE :**

John Murphy de jure Business Manager of  
UA Local 170 of Journeymen and  
Apprentices of the Plumbing and Pipefitting  
Industry of the United States and Canada  
and de jure, Trustee Beneficiary of P.S.  
Holdings Ltd. and Pension Plan

John Murphy de jure Business Manager of  
UA Local 170 of Journeymen and  
Apprentices of the Plumbing and Pipefitting  
Industry of the United States and Canada et  
de jure, Trustee Beneficiary of P.S. Holdings  
Ltd. and Pension Plan

Applicant

Demandeur

- and -

- et -

Morley Shortt, Admitted Sole Member, Bare Trustee P.S. Holdings Ltd., the Union Funds and Property, Theo Arsenault, Plumbers Pension Plan Administration, Shortt, Moore, Arsenault and Associates Ltd., The Firm, Sheila A. Temple, Solicitor for P.S. Holdings Ltd. and Anne St. Eloi

Morley Shortt, Admitted Sole Member, Bare Trustee P.S. Holdings Ltd., the Union Funds and Property, Theo Arsenault, Plumbers Pension Plan Administration, Shortt, Moore, Arsenault and Associates Ltd., The Firm, Sheila A. Temple, Solicitor for P.S. Holdings Ltd. et Anne St. Eloi

Respondents

Intimés

#### JUDGMENT

#### JUGEMENT

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Numbers CA034995 and CA037160, 2010 BCCA 449, dated October 7, 2010, is dismissed with costs to the respondents P.S. Holdings Ltd. and Anne St. Eloi.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA034995 et CA037160, 2010 BCCA 449, daté du 7 octobre 2010, est rejetée avec dépens en faveur des intimées P.S. Holdings Ltd. et Anne St. Eloi.

C.J.C.  
J.C.C.