

# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Speckling v. Communications, Energy and Paperworkers' Union of Canada, Local 76*,  
2025 BCCA 133

Date: 20250425  
Docket: CA49341

Between:

**Walter L.M. Speckling**

Appellant  
(Plaintiff)

And

**Local 76 of the Communications, Energy and Paperworkers'  
Union of Canada, Communications, Energy and  
Paperworkers' Union of Canada, and others yet unknown**

Respondents  
(Defendants)

Before: The Honourable Mr. Justice Willcock  
The Honourable Madam Justice DeWitt-Van Oosten  
The Honourable Justice Donegan

Supplementary Reasons to *Speckling v. Communications,  
Energy and Paperworkers' Union of Canada, Local 76*,  
2025 BCCA 24, Vancouver Docket CA49341.

Walter L.M. Speckling:

B. Speckling Appearing for the  
Appellant

Counsel for the Respondent, Local 76  
of the Communications, Energy and  
Paperworkers' Union of Canada:

T. Yachnin  
R. Dutton

Counsel for the Respondent,  
Communications, Energy and  
Paperworkers' Union of Canada:

M.D. Shirreff  
E.R. Janzen

Place and Date of Hearing:

Vancouver, British Columbia  
December 17, 2024

Place and Date of Judgment:

Vancouver, British Columbia  
January 29, 2025

Written Submissions from Agent for the  
Appellant:

April 7, 2025

Written Submissions from Counsel for the  
Respondent, Communications, Energy and  
Paperworkers' Union of Canada:

April 15, 2025

Place and Date of Supplementary  
Judgment:

Vancouver, British Columbia  
April 25, 2025

**Supplementary Reasons of the Court**

**Summary:**

*The appellant, Walter Speckling, applies to re-open an appeal. An order reflecting the result of the appeal has not yet been entered. HELD: The application to re-open is denied. Although the Court has jurisdiction to re-open before entry of a final order, the appellant has not met the test for doing so. He seeks to raise three issues. One of those issues could have been but was not advanced at the hearing of the appeal. The other two were raised and resolved by the Court in the respondents’ favour. The appellant has not demonstrated a clear and compelling case in favour of re-opening.*

**Supplementary Reasons for Judgment of the Court:**

[1] On January 29, 2025, this Court released reasons for judgment dismissing an appeal from a summary trial judgment ending a lawsuit for breach of contract against Local 76 of the Communications, Energy and Paperworkers’ Union of Canada (“Local 76”) and the Communications, Energy and Paperworkers’ Union of Canada (the “National Union”). The appellant, Walter Speckling, was ordered to pay special costs to both respondents. The reasons for judgment are indexed at *Speckling v. Communications, Energy and Paperworkers’ Union of Canada, Local 76, 2025 BCCA 24*.

[2] A formal order dismissing the appeal has not been entered. The appellant has declined to sign the draft order produced on behalf of the respondents. Instead, on April 7, 2025, the appellant sent a letter to the Court asking that the appeal be re-opened. In the letter, Mr. Speckling raises three issues.

[3] First, he says there “was no right under the law or legal jurisprudence” for John Rogers, K.C., to represent Local 76 in the appeal, as Local 76 “has had no members since May 7, 2024”. According to the appellant, there is “no member or executive of Local 76 in existence” who could have retained and instructed Mr. Rogers. As such, it was not appropriate for counsel for Local 76 to seek special costs. Mr. Speckling asks that the Court “amend [its] decision to reflect this legal fact”.

[4] Second, the appellant takes issue with the Court’s resolution of his argument in the appeal that the summary trial judge erred by refusing to follow a previous

decision of this Court indexed at *Speckling v. Local 76 of the Communications, Energy and Paperworkers’ Union of Canada*, 2009 BCCA 258. Mr. Speckling says our reasons for judgment do “not address whether the Chamber[s] Judge had the jurisdiction to refuse to adhere to the 2010 entered Order of the BCCA. Neither decision 2009 BCCA 258 nor the 2010 entered Order of the BCCA are even mentioned in decision 2025 BCCA 24”: emphasis omitted.

[5] Finally, the appellant says the material before the Court in the appeal contained at least one perjured affidavit relevant to the question of whether “charges” against Mr. Speckling were, in fact, filed by Local 76 with the Recording Secretary in September 1999. He alleges a fraudulent backdating of any such “charges”. In his letter, Mr. Speckling says it is our duty to “hold those that committed forgery in [our] court room accountable”.

[6] As noted, the order arising from the appeal has not been entered. In those circumstances, this Court has jurisdiction to re-open an appeal. However, as explained in *Howdle v. Mission Medium Institution (Warden)*, 2021 BCCA 44, it is an “... extraordinary power to be exercised rarely and only where it is necessary to do so in the interests of justice”: at para. 2. The applicant for a re-opening must “... demonstrate a clear and compelling case that a miscarriage of justice will likely occur if the appeal is not reopened”: at para. 2, citing *R. v. Chow*, 2003 BCCA 248 at para. 11. As a general rule, the Court will not re-open an appeal that has been heard on the merits to allow a party to re-argue issues that were raised and dealt with before the Court, or issues that could have been raised but were not advanced: *R. v. Hummel*, 2003 YKCA 4 at para. 24.

[7] Mr. Speckling does not meet the test for a re-opening.

[8] Without commenting on whether this first issue has any merit, Mr. Speckling’s argument about the current status of Local 76 and its capacity to provide instructions to John Rogers, K.C. was something he could have raised and developed in his written or oral submissions in the appeal, but did not do so. On the second issue, he is incorrect that the Court did not address the question of whether the summary trial

judge was bound to determine certain issues based on this Court’s previous decision in 2009. Not only is the previous decision explicitly referred to in our reasons for judgment, the substantive question was squarely addressed at paras. 12–13 and 66–75. Finally, the third issue raised by Mr. Speckling, alleged forgery and the backdating of charges, was also addressed. This issue raised questions of fact that were decided against him by the summary trial judge. Those factual findings were upheld by this Court applying the mandated deferential standard of review. See paras. 82–84 of the reasons for judgment.

[9] Mr. Speckling has not established it is in the interests of justice to re-open the appeal and we decline to do so. Given the history of the litigation and the findings made by us in support of a special costs award, we direct the Court’s Registrar to enter the order dismissing the appeal as drafted and approved by counsel for the respondents. There is no need to obtain Mr. Speckling’s approval as to form.

“The Honourable Mr. Justice Willcock”

“The Honourable Madam Justice DeWitt-Van Oosten”

“The Honourable Justice Donegan”