

## Case Assessment Direction

HUMAN RIGHTS TRIBUNAL OF ONTARIO

CASE ASSESSMENT DIRECTION

**Adjudicator:** D

**Date:** May 31, 2019

**File Number:** 2018-32808-I; 2018-32809-I; 2018-32810-I; 2018-32811-I

- In *ER v. [REDACTED]*, 2019 HRTO 415 (“Interim Decision”), the Tribunal consolidated these Applications for hearing, anonymized the style of cause and set the matters down for a summary/preliminary
- The Interim Decision gave the parties direction about the documents they may file for the summary/preliminary hearing. *At this point in the proceedings the **only** documents the parties need to file are the documents they will use at the summary*
- **Unfortunately, the parties have purported to file a great deal of material by e-mail that mostly consists of allegations of misconduct about their opposing parties.** Rule 1.12 of the Tribunal’s Rules of Procedure states “All written communications with the Tribunal, including e-mail correspondence, must be addressed to the Registrar, **with a copy delivered to all other parties**” [Emphasis added]. The parties have ceased complying with this requirement.
- The Tribunal’s jurisdiction is limited to managing the applications filed with it. The filing of an application with the Tribunal does not make the Tribunal the arbiter or referee for the parties’ relationships. *The material the parties continue to file is irrelevant to these Processing the parties’ back and forth complaints is an unnecessary burden on the Tribunal and amounts to an abuse of process. The Tribunal is not a platform for the parties to heap abuse on each other. Further, documents not filed in accordance with Rule 1.12 do not form part of the Tribunal’s file and will not be considered by the Tribunal.*
- It is appropriate to refer the parties to Rules A7 and A8 of the Social Justice Tribunals of Ontario Common Rules:

### A7

#### COURTESY AND RESPECT

##### A7.1

All persons participating in proceedings before or communicating with the tribunal **must act in good faith and in a manner that is courteous and respectful of the tribunal and other participants in the proceeding.** [Emphasis added]

### A8

#### ABUSE OF PROCESS

## **A8.1**

The tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

## **A8.2**

Where the tribunal finds that a person has persistently instituted vexatious proceedings or conducted a proceeding in a vexatious manner, the tribunal may find that person to be a vexatious litigant and dismiss the proceeding as an abuse of process for that reason. It may also require a person found to be a vexatious litigant to obtain permission from the tribunal to commence further proceedings or take further steps in a proceeding.

## **DIRECTION**

- In order to be able to properly manage this matter, the Tribunal hereby directs the parties to immediately cease serving or filing any further documents or material in relation to this matter with the exception of documents to be used in the summary/preliminary hearing or unless specifically requested to do so by the Tribunal. Any documents the parties file in contravention of this direction or of Rule 1.12 will be discarded

Dated at Toronto, this 31<sup>st</sup> day of May, 2019.

Dn Vice-chair