

Canadian Human  
Rights Tribunal



Tribunal canadien  
des droits de la personne

**Between:**

**James Louie  
- and -  
Joyce Beattie**

**Complainants**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Indian and Northern Affairs Canada**

**Respondent**

**Decision**

**Member:** Wallace G. Craig

**Date:** July 5, 2013

**Citation:** 2013 CHRT 17

[1] By Notice of Motion filed April 24, 2013, the Complainants requested an order seeking further implementation of the January 26, 2011 Tribunal decision (2011 CHRT 2) concerning their complaint that Indian and Northern Affairs Canada (INAC) had subjected them to discriminatory practices in the manner in which INAC processed their applications for a s. 58(3) locatee lease.

[2] The Motion was triggered by the April 10, 2013 decision of Madam Justice Hansen of the Federal Court of Canada in judicial review of both the Tribunal decision of January 26, 2011, affirming the merits of their complaint of discrimination, and the subsequent Tribunal decision of February 24, 2012 (2012 CHRT 2) in clarification of remedies ordered with respect to discriminatory practices engaged in by INAC.

[3] The Motion was heard on June 20, 2011, with oral and written submissions being presented by the parties.

[4] In their Motion the Complainants sought an order with respect to changes in INAC's land-management-Manual, an ongoing collateral remedial matter between the Canadian Human Rights Commission and INAC, a process in which the Complainants are without privity. They also raised constitutional questions which were unrelated to the matters dealt with in either of the Tribunal decisions.

[5] Significantly, it was acknowledged by the Complainants that on or about April 11, 2011, they had withdrawn their applications for locatee leases.

[6] I conclude that withdrawal of their application for locatee leases nullifies the allegation in the Complainant's Motion that the Respondent engaged in on-going acts of discrimination. As the Respondent counsel put it: The Complainants' Motion has been overtaken by events and is moot.

[7] Lastly, I conclude that the Respondent complied with a specific direction of Madam Justice Hansen and withdrew its application for judicial review of the initial Tribunal decision (2011 CHRT 2). In the result the initial decision stands, beyond appeal, as case-law binding on the parties, spent of its remedial validity.

**Determination**

[8] In accordance with the foregoing determinations the Complainants' Notice of Motion is dismissed.

*Signed by*

Wallace G. Craig  
Tribunal Member

Ottawa, Ontario  
July 5, 2013

**Canadian Human Rights Tribunal**

**Parties of Record**

**Tribunal File:** T1441/6709

**Style of Cause:** Joyce Beattie and James Louie v. Indian and Northern Affairs Canada

**Decision of the Tribunal Dated:** July 5, 2013

**Date and Place of Hearing:** June 20, 2013

Vancouver, British Columbia

**Appearances:**

Bruce Beattie, for the Complainants

Brian Smith, for the Canadian Human Rights Commission

Fiona McFarlane and Craig Cameron, for the Respondent