

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Citation: 2022 CHRT 36

Date: October 31, 2022

File No.: T2459/1620

Between:

**Cathy Woodgate, Richard Perry, Dorothy Williams, Ann Tom,
Maurice Joseph and Emma Williams**

Complainants

- and -

Canadian Human Rights Commission

Commission

- and -

Royal Canadian Mounted Police

Respondent

- and -

A.B.

Interested party

Ruling

Member: Colleen Harrington

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I. Decision

[1] I grant the order sought by the Canadian Human Rights Commission in this Motion, with modifications as described in the Analysis and Order sections of this Ruling. The lists of documents filed by the Commission and the Complainants are to be sealed from public access. The Commission and Complainants are to file amended document lists in accordance with the Analysis and Order below, and all parties are to seal or destroy the documents that are redacted from the original document lists.

[2] Additionally, I order the RCMP to disclose to the Commission and Complainants all arguably relevant documents in its possession that have not yet been disclosed including, as applicable, the originals of any documents belonging to the RCMP that are ordered redacted from the Commission's and Complainants' document lists.

II. Context

[3] The documents that are the subject of this Motion are alleged to have been produced in contravention of an implied undertaking of confidentiality to the British Columbia Supreme Court (BCSC). The BCSC proceeding involved two individuals – Laura Robinson and A.B. - who are not parties to this complaint, but who are incidentally involved in the Tribunal's proceedings.

[4] A.B. was the subject of the RCMP's investigation into child abuse alleged to have occurred at schools in northern British Columbia in the late 1960s and 1970s. A.B. was a teacher at these schools and the Complainants – members of the Lake Babine First Nation - were students at the schools. The RCMP's investigation did not result in any criminal charges being laid against A.B. The Complainants filed a human rights complaint against the RCMP with the Canadian Human Rights Commission ("Commission"). They allege that the RCMP discriminated against them and others by failing to properly investigate their claims of child abuse at these schools.

[5] The historical child abuse allegations against A.B. were initially brought to the public's attention by Ms. Robinson, who is a journalist. She was also involved in providing information to the RCMP during its investigation of A.B.

[6] A.B. and Ms. Robinson have previously sued one another for defamation in the BCSC. In the course of preparing for the trial of Ms. Robinson's claim against A.B., the BCSC granted A.B.'s request to order the RCMP to produce certain documents relating to its investigation of a sexual assault complaint made against A.B. by a former student.

[7] The Consent Order of the BCSC dated February 5, 2015 ordered the RCMP to find all documents in its possession or control relating to the investigation. The RCMP was to evaluate the documents and submit them to A.B.'s lawyer, who was to provide copies to the other parties, including Ms. Robinson. The final paragraph of the BCSC's Consent Order states that, "notwithstanding the implied undertaking of confidentiality pursuant to which the Documents will be produced, any Documents produced pursuant to this order may be used by the parties and counsel for the parties in respect of" both Ms. Robinson's defamation claim against A.B. and A.B.'s defamation case against Ms. Robinson. A.B. withdrew his claim against Ms. Robinson while Ms. Robinson's claim against A.B. was dismissed following the trial in the BCSC.

[8] The "implied undertaking rule" provides that documents compelled during pre-trial discovery from a party to civil litigation must be kept confidential and can be used by the opposing party only for the purpose of the litigation in which it was obtained (*Juman v Doucette*, 2008 SCC 8 (CanLII) [*"Juman"*] at para 1; *Taherkhani Estate v Este*, 2022 BCSC 372 (CanLII) [*"Taherkhani"*] at para 24). In the context of this Ruling, this means that, when Ms. Robinson received documents from A.B. in her defamation case, including the RCMP documents, she undertook – or promised – to the BCSC that she would only use them for the defamation cases in which she and A.B. were parties.

[9] The Complainants filed their human rights complaint in January of 2017. Ms. Robinson acted as one of the Complainants' non-legal representatives when the complaint was being investigated by the Commission. After the Commission referred the complaint to the Tribunal for an inquiry in 2020, the Complainants retained legal counsel. However, Ms. Robinson remains involved as a non-legal representative and liaison between the Complainants and their legal counsel. She is also named as a witness on the Complainants' witness list.

[10] Several motions have been filed with the Tribunal in relation to this matter. The Tribunal's first Ruling was issued by former Chairperson Thomas, who granted limited confidentiality to some non-parties (*Woodgate et al. v RCMP*, 2021 CHRT 20 (CanLII)). In that Ruling, the Tribunal also asked the Commission, in its role as representative of the public interest, to advise the Tribunal if A.B. had been made aware of the complaint. Although A.B. is not a party to the complaint, the Tribunal had received media inquiries in relation to the complaint, usually referencing A.B. by name.

[11] After this first Ruling was issued, counsel for A.B. wrote to the Tribunal requesting documents from the Tribunal's file in order to determine whether they may wish to make an application for interested person status on behalf of A.B. They also advised the Tribunal that Ms. Robinson appeared to have disclosed documents in the human rights complaint process contrary to the implied undertaking of confidentiality to the BCSC from her defamation case.

[12] The Tribunal's *Rules of Procedure*, 2021, SOR/2021-137 require all parties to file a Statement of Particulars and to list all documents in their possession that relate to a fact or issue raised in the complaint or to an order sought by any of the parties. The list must be filed with the Tribunal, while the documents themselves are to be disclosed only to the other parties.

[13] In their letter to the Tribunal, A.B.'s counsel indicated that they had reviewed the Commission's Statement of Particulars, including their list of documents called "Schedule A". Based on the document descriptions included in the Schedule A, they believed that over 30 of the listed documents had been produced by A.B. to Ms. Robinson in the defamation trial pursuant to the implied undertaking of confidentiality to the BCSC. They were able to identify the documents because of a reference to Bates numbering beginning with "F". Bates numbering is a method of sequentially numbering pages of documents that is commonly used in legal proceedings to assist with organization and identification.

[14] A.B.'s counsel advised that it did not appear to them that most of the documents they identified in the Commission's Schedule A had been introduced as exhibits at the 2015 BCSC trial, but that they were making efforts to further compare the trial exhibits against the

documents produced to the Commission in order to confirm this. The reason for this is that any document that became a public exhibit at trial would no longer be subject to the implied undertaking of confidentiality to the Court (*Taherkhani* at para 24).

[15] A.B.'s counsel stated that, as trial counsel in the defamation matter, they were not aware of Ms. Robinson having sought or obtained relief from the implied undertaking from the BCSC. Given the seriousness of a possible breach of the implied undertaking and the risk that the Tribunal, through public access to its official record, might further disseminate information derived from documents disclosed in possible breach of this undertaking, A.B.'s counsel asked the Tribunal to restrict access to its public record temporarily. The parties to this complaint all agreed with the proposal to temporarily seal the public record until this issue could be determined.

[16] A.B.'s counsel subsequently wrote to the Tribunal to advise that, in addition to the documents listed in the Commission's Schedule A that appeared to have been provided in breach of the implied undertaking, they had reviewed the Complainants' list of documents and identified further documents that appeared to have been disclosed by Ms. Robinson in breach of the undertaking.

[17] A.B.'s position was that these documents should never have been provided to the Commission or to the Complainants by Ms. Robinson. He maintained that neither party was entitled to initiate proceedings or commence an investigation based on the review of documents that Ms. Robinson was not entitled to provide to them.

[18] A.B.'s counsel said this apparent breach of the implied undertaking rule had imperiled A.B.'s privacy interests. As such, they filed a Motion with the Tribunal asking that A.B. be granted interested person status in this proceeding. Part of the reason for seeking interested person status was to bring an application to dismiss the complaint. They suggested this would remedy the breach of the implied undertaking to the BCSC and what they referred to as "the misuse and abuse of" the Tribunal's process by Ms. Robinson.

[19] I agreed to grant A.B. limited interested person status for 2 purposes: (i) to apply for confidentiality in the proceeding, and (ii) if requested by the Tribunal, to adduce evidence on the background of the documents disclosed to the Commission in alleged breach of the

implied undertaking and to make submissions with respect to the alleged breach (*Woodgate et al. v RCMP*, 2022 CHRT 3). I noted that A.B. was likely in a position to provide a different perspective on the implied undertaking issue, since none of the parties to the human rights complaint was a party to the BCSC proceeding. However, I declined to grant A.B. interested person status for the purpose of filing a motion to dismiss this complaint on the basis of Ms. Robinson's alleged breach of the implied undertaking to the BCSC. I also noted that the Tribunal does not have the jurisdiction to review the Commission's investigation and screening process and that the only body with the jurisdiction to do so is the Federal Court.

[20] A.B. judicially reviewed the Ruling granting him interested person status and asked the Tribunal to hold its proceedings in abeyance pending the outcome of the judicial review, which I declined to do.

[21] A.B. also filed a confidentiality Motion which was substantially granted (*Woodgate et al. v RCMP*, 2022 CHRT 27). In that Ruling, I ordered that the materials filed in relation to this implied undertaking Motion should remain sealed until this Motion has been decided, in order to ensure the fairness of the inquiry.

III. The Commission's Motion

[22] In December of 2021, the Commission wrote to the Tribunal and parties to provide a spreadsheet listing the documents it believed may have been provided to it in breach of the implied undertaking during its investigation of the complaint ("Spreadsheet"). All of the documents in the Spreadsheet appear in the Commission's Schedule A and were disclosed to the other parties. The documents were not provided to the Tribunal. Most, but not all, of the documents listed in the Commission's Spreadsheet appear to originate from the RCMP.

[23] It was decided that the Commission would file a Motion asking for an order from the Tribunal with regard to the documents listed on its Spreadsheet.

[24] In its Notice of Motion, the Commission says that all parties had agreed that in these proceedings they have no intention of relying on any document disclosed in the BCSC proceeding that was not made a public exhibit during the trial. The Commission says that

A.B.'s counsel advised that 2 of the documents on the Spreadsheet had been made public exhibits at the defamation trial.

[25] As part of its Motion, which was amended slightly in response to additional information provided by the Complainants, the Commission requests that both its June 5, 2020 Schedule A and its December 3, 2021 Spreadsheet be sealed from public access and that the Commission be required to file an Amended Schedule A, which redacts details about any of the documents listed in its Spreadsheet, except for those documents which do not contain Bates numbering applied during the BCSC proceeding and documents that are determined to have been made public exhibits in that proceeding ("excepted documents"). The Commission asserts that these excepted documents are not subject to the implied undertaking to the BCSC.

[26] The Motion also asks the Tribunal to order the Commission to seal from public access all documents in its Spreadsheet, aside from the excepted documents, and to order that the Complainants and RCMP must also seal or destroy these documents that they received from the Commission.

[27] Finally, the Commission asks the Tribunal to order the RCMP to disclose the arguably relevant documents in its possession and belonging to it that are originals of the documents listed on the Spreadsheet - aside from the excepted documents - as part of its ongoing disclosure obligation under Rules 23 and 24(1) of the *Rules of Procedure*.

IV. Analysis

[28] I accept that none of the parties was aware of an alleged breach of the implied undertaking to the BCSC until it was brought to their attention by A.B.'s counsel. All of the parties have taken the issue seriously since then.

[29] In addition to receiving submissions from the parties with respect to this Motion, I requested that A.B. provide a copy of the exhibit list from the BCSC matter in which the Consent Order and implied undertaking issued, or confirmation that no such exhibit list exists. I also provided A.B. with the opportunity to provide submissions relating to the Commission's Motion.

[30] A.B.'s counsel advised that all documents produced to Ms. Robinson during the discovery process in the BCSC proceeding, including documents produced by the RCMP pursuant to the Court's Consent Order, were produced subject to the implied undertaking and were marked with Bates numbering starting with "F".

[31] A.B. agrees that any documents that were entered as exhibits at the BCSC trial are not subject to the implied undertaking. His counsel confirmed that no full exhibit list from the BCSC trial exists. However, they provided an exhibit list that they prepared containing the document numbers entered by A.B. at trial.

[32] A.B.'s counsel advised that they were unable to generate a complete exhibit list from the BCSC proceeding because Ms. Robinson's counsel was unable to locate the exhibits they entered at trial. Despite this, A.B. asserts that there is "no question" that there exists a subset of documents produced by Ms. Robinson to the Commission that were subject to the implied undertaking and were not entered into evidence at the trial, and so it is "uncontroverted" that she breached her implied undertaking of confidentiality to the BCSC.

[33] The Complainants argue that, without a complete list of the exhibits filed by the parties in the BCSC trial, an accurate comparison to the documents produced to the Commission by Ms. Robinson is impossible.

[34] The positions of the RCMP and A.B. in this Motion are premised on the belief that the implied undertaking has been breached by Ms. Robinson and, by extension, the Complainants. They have suggested that the implied undertaking issue should be pursued in the BCSC or the Federal Court, before the Tribunal moves ahead with hearing this complaint. Such a step is unnecessary and would cause further delay to the inquiry into this complaint. The Tribunal has a statutory obligation to conduct its proceedings as informally and expeditiously as the requirements of natural justice and the *Rules of Procedure* allow (s.48.9(1) *Canadian Human Rights Act*, RSC 1985, c H-6).

[35] The RCMP says it provided its investigative documents to the parties in the BCSC defamation case "with an express reliance on the implied undertaking rule." It states that "the common law prohibits not only the parties and their counsel but all persons from using information obtained in the course of the discovery process for any purpose other than that

of the proceeding in which it was obtained” (*Winkler v Lehndorff Management Ltd.* 1998 CarswellOnt 4160, [1998] O.J.No.4462 at para 13).

[36] The RCMP suggests that the Complainants provided the RCMP documents to the Commission in support of a complaint against the RCMP. It argues that, if someone has received documents during discovery pursuant to an implied undertaking to the Court and then uses those documents “for a collateral purpose”, they would be committing a contempt of Court (*Letourneau v Clearbrook Iron Works Ltd.*, 2003 FC 949 at para 3).

[37] The RCMP says that, since becoming aware of the implied undertaking, the Commission is proposing “to seal the documents and have the RCMP provide fresh copies that would ostensibly not be subject to the implied undertaking.” It argues that the Commission’s Motion for an order is not the proper approach to rectify the breach of implied undertaking, and rather condones or even rewards such a breach. The RCMP submits that, since Ms. Robinson did not obtain a release from the BCSC before providing the documents to the Commission as required by the rule of law, the Commission must ask the BCSC to vary the implied undertaking so it can use the RCMP’s documents in this proceeding. It argues that the Tribunal should not allow itself to be used to further a breach of implied undertaking or contempt of court.

[38] A.B. suggests that Ms. Robinson provided copies of the RCMP documents that she received in the BCSC proceeding to the Complainants. He believes that, based on the information she obtained from these documents, she formulated the human rights complaint filed with the Commission. He says that by doing so, Ms. Robinson breached the implied undertaking of confidentiality to the BCSC.

[39] In my Ruling granting A.B. interested person status (2022 CHRT 3) I declined to permit him to file a Motion related to Ms. Robinson’s alleged breach of the implied undertaking. Yet A.B. argues in this Motion that the question the Tribunal must answer is, what is the appropriate remedy for Ms. Robinson’s breach which best serves the interests of justice and the integrity of the Tribunal’s and Court’s processes?

[40] A.B. argues that there is no authority provided for the remedy proposed by the Commission and no suggestion that the BCSC has or will be given the opportunity to

consider whether the remedy proposed is appropriate in the circumstances. He argues that the Commission's proposal falls far short of the appropriate range of remedies articulated or applied by the courts for a breach of this nature, "including a stay or dismissal of the proceeding, or striking a defence, or, in the absence of a less drastic remedy, contempt proceedings for breach of the undertaking owed to the court" (*Juman* at para 5).

[41] A.B. suggests that the Tribunal could seek a reference to the Federal Court for a hearing to determine what remedies are available to the Tribunal since no party has sought relief for the breach in the BCSC.

[42] The Complainants submit that A.B. has raised the issue of remedy for a breach of implied undertaking out of animosity toward Ms. Robinson and in a further attempt to derail this proceeding before the Tribunal.

[43] The Commission has brought this Motion to keep the inquiry into this complaint moving in a way that ensures the implied undertaking and Court order are respected, while preserving the integrity of the Tribunal's record. I accept that this Motion has been brought as a precaution and not because it has been proven that Ms. Robinson breached the implied undertaking to the BCSC.

[44] The Commission is not asking the Tribunal to determine whether Ms. Robinson breached the implied undertaking by providing documents to the Commission during its investigation. The Tribunal does not have the jurisdiction to review the Commission's complaint screening process. When the Commission asks the Tribunal to inquire into a complaint, it is legislatively required to do so, not to question the "genesis" of the complaint accepted by the Commission.

[45] In any event, the evidence before the Tribunal does not support the contention that this complaint would not exist absent Ms. Robinson's alleged breach, or that the complaint is actually Ms. Robinson's rather than the Complainants'. The Complainants did not rely on Ms. Robinson for knowledge of their own experiences as children, nor as Indigenous people with their own views about, and experiences with, the RCMP.

[46] I agree with the Commission that asking the BCSC to vary the implied undertaking is unnecessary in order for the Tribunal's inquiry into this complaint to continue. No one is proposing to use the RCMP's documents that may have been disclosed in contravention of the implied undertaking in the Tribunal's proceeding. The Commission's Motion asks that any such documents be sealed or destroyed by the parties.

[47] With regard to A.B.'s suggestion that the Tribunal ask the Federal Court to determine a remedy for Ms. Robinson's alleged breach of the implied undertaking, such a course of action is also unnecessary and is premised on the Tribunal deciding that a breach has occurred. Whether or not the Tribunal has the jurisdiction to make such a decision, there is no evidentiary basis to support such a finding.

[48] Although A.B. asserts that it is "uncontroverted" that Ms. Robinson provided documents to the Commission in breach of the implied undertaking to the BCSC, he has not provided the Tribunal with a complete exhibit list from the BCSC trial and he has advised that one does not exist. Without a complete list, it appears that no one can say which documents were in fact introduced as exhibits. Consequently, the evidence available is not "uncontroverted" or definitive.

[49] If A.B., as a party to that prior proceeding, wishes to ask the BCSC to make a finding that Ms. Robinson breached the implied undertaking to the Court, or if Ms. Robinson wishes to ask the Court to vary or release her from the implied undertaking, they can do so.

[50] This Tribunal proceeding does not involve a dispute between A.B. and Ms. Robinson. The complaint involves allegations of discrimination made by the Complainants against the RCMP. That is what the Tribunal has been asked to determine. What the Commission is trying to ensure through this Motion is that no one uses documents potentially provided in breach of the implied undertaking during the inquiry into the complaint, and that the parties disclose all relevant documents to one another in preparation for hearing, in compliance with the *Rules of Procedure*.

[51] I reject the RCMP's argument that the Tribunal lacks the authority to make an order in relation to the documents identified by the Commission in this Motion. I also disagree with A.B.'s argument that this Motion is a "procedural shortcut" to circumvent the "proper channel"

of the Court. The Tribunal has the jurisdiction to control its own proceedings. Certain documents were disclosed by the Commission in accordance with the Tribunal's *Rules of Procedure*. These documents have not been provided to the Tribunal. The Tribunal has the jurisdiction both to ensure the integrity of its own record and to deal with a preliminary Motion relating to the disclosure of documents. By doing so the Tribunal is not interfering with the BCSC's jurisdiction to deal with any application that A.B. or Ms. Robinson may wish to bring regarding the implied undertaking to that Court.

[52] The RCMP has an obligation pursuant to the *Rules of Procedure* to disclose to the other parties all documents that are arguably relevant to a fact, issue or remedy in this proceeding. Given that the subject matter of the complaint relates to the RCMP's investigation of A.B., it must disclose any documents from its investigation file that are arguably relevant to the complaint, so long as they are not privileged.

[53] I agree with the Commission and Complainants that, simply because the RCMP was ordered to produce documents in the BCSC proceeding relating to its investigation of A.B., this does not preclude it from disclosing these same documents in the human rights proceeding if they are arguably relevant.

[54] I do not understand the RCMP to be arguing that it is bound by the implied undertaking to the BCSC, since it was not a party to the defamation proceeding, nor did it receive any documents during the discovery process in that proceeding. In any event, the law is clear that the implied undertaking only constrains subsequent use of disclosed documents outside of the litigation by the *recipient* of the disclosed documents, not by the one who produced them (*Kitchenham* at para 41). Disclosing copies in the BCSC proceeding would not limit what the RCMP can do with its own documents in a subsequent proceeding or create privilege in those documents (*Juman* at para 26; *Taherkhani* at para 57; *Schober v Tyson Creek Hydro Corporation*, 2014 BCCA 12 (CanLII) at para 25; *Power v Parsons*, 2018 NLCA 30 at para 17).

[55] As the implied "undertaking does not limit what the discovered party can do in the future with its own information" (*Kitchenham* at para 26), this also means that Ms. Robinson is permitted to utilize documents she produced in the BCSC trial outside of that proceeding.

[56] The Commission is seeking an order that it be required to file an Amended Schedule A with the Tribunal and the parties, with details about the documents listed in its Spreadsheet redacted, except for documents determined to have been made public exhibits in the BCSC proceeding and any documents without Bates numbering starting with “F” or “R”. The Commission asks that its original Schedule A and the Spreadsheet be sealed from public access.

[57] It appears that the RCMP provided documents to the Commission in the course of the Commission’s investigation of the human rights complaint and these documents, some of which appear in the Commission’s Spreadsheet, do not contain Bates numbering starting with “F” or “R”. Documents that were provided by the RCMP directly to the Commission were clearly not provided in breach of an implied undertaking to the BCSC because the implied undertaking does not constrain what the RCMP can do with its own documents. As such, any RCMP documents on the Commission’s Spreadsheet without Bates numbers need not be redacted or sealed.

[58] The Complainants have advised that the documents that have Bates numbering starting with “R” (2 documents in the Commission’s Spreadsheet identified as CHRC077 and CHRC075) were produced by Ms. Robinson in the BCSC proceeding, not by A.B. They are not RCMP documents. The implied undertaking does not prevent Ms. Robinson from disclosing in another proceeding the documents she disclosed herself in the BCSC proceeding. As such, I accept that the 2 documents with Bates numbers starting with “R” need not be redacted from the Commission’s Amended Schedule A and may remain in the documents already disclosed by the Commission to the other parties.

[59] However, I agree that any documents contained in the Commission’s Spreadsheet that contain Bates numbering starting with “F” that do not appear on the Exhibit List provided by A.B.’s counsel or are not otherwise determined to have been made public exhibits in the BCSC proceeding, must be redacted from the Commission’s Amended Schedule A. Similarly, these documents must be sealed by the Commission, and sealed or destroyed by the Complainants and the RCMP.

[60] The RCMP has a continuing obligation under the Tribunal's *Rules of Procedure* to provide all arguably relevant documents in its possession to the other parties. If there are RCMP documents listed on the Commission's Spreadsheet with Bates numbering starting with "F" that have not already been disclosed by the RCMP in this proceeding, and they are arguably relevant to this complaint, the RCMP must disclose these documents without delay.

[61] Finally, although the Commission's Motion does not mention the Complainants' document lists filed with their Statement of Particulars and Reply to the Respondent's Statement of Particulars, A.B.'s counsel did mention these lists in a letter to the parties and Tribunal prior to the Motion being brought. In order to ensure that no documents that may have been provided by Ms. Robinson in breach of the implied undertaking to the BCSC remain in publicly accessible lists or in the disclosure provided to the parties, and to avoid the need for yet another Motion, the orders below will apply to the Complainants' "List of Documents to be Disclosed (Appendix C)" in the Complainants' Statement of Particulars dated June 29, 2020, and the "List of Additional Documents" in the Complainants' Reply to the Respondent's Statement of Particulars dated September 29, 2020.

V. Order

1. The following documents in the Tribunal's record shall be sealed from public access:
 - a. Commission's "Schedule A" to its Statement of Particulars dated June 5, 2020;
 - b. Commission's "Spreadsheet" dated December 3, 2021;
 - c. Complainants' "Appendix C - List of Documents to be Disclosed" in their Statement of Particulars dated June 29, 2020;
 - d. Complainants' "List of Additional Documents" in their Reply to the Respondent's Statement of Particulars dated September 29, 2020.
2. The Commission shall file an "Amended Schedule A" with the following documents redacted:
 - a. Any document listed on its Spreadsheet that has Bates numbering starting with "F" that does not appear on the Exhibit List provided by A.B.'s counsel

in this Motion, or is not otherwise determined to have been made a public exhibit in the BCSC proceeding.

3. The Commission shall seal all documents contained in its internal investigation file identified in paragraph (2)(a) of this Order.
4. The Complainants and RCMP shall seal or destroy all documents disclosed to them by the Commission that are identified in paragraph (2)(a) of this Order.
5. The Complainants shall file an “Amended Appendix C - List of Documents to be Disclosed” and an “Amended List of Additional Documents” with the following documents redacted:
 - a. Any document that has Bates numbering starting with “F” that does not appear on the Exhibit List provided by A.B.’s counsel in this Motion, or is not otherwise determined to have been made a public exhibit in the BCSC proceeding.
6. The Complainants, Commission and RCMP shall seal or destroy all documents identified in paragraph (5)(a) of this Order.
7. Within 60 days of the date of this Ruling, the RCMP shall provide to the Complainants and Commission all documents in its possession that have not already been disclosed in this proceeding that relate to a fact or issue that is raised in the complaint or to an order sought by any of the parties, pursuant to its obligation under Rules 20, 23 and 24 of the Tribunal’s *Rules of Procedure*. This includes all arguably relevant documents in its possession and belonging to it that are originals of the documents identified in paragraphs (2)(a) and (5)(a) of this Order;
8. If any of the information ordered to be redacted appears in the submissions or attachments to submissions of the parties or A.B., these submissions should be re-filed within 30 days of the date of this Ruling, with this information redacted, so they may be placed in the Tribunal’s public record. The original (non-redacted) versions filed with the Tribunal shall be sealed by the Tribunal and may not be disclosed to the public;
9. The sealing order made at paragraph (i) of the Order in Tribunal Ruling 2022 CHRT 27 is no longer in effect, and is replaced by this Order.

Signed by

Colleen Harrington
Tribunal Member

Ottawa, Ontario
October 31, 2022

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T2459/1620

Style of Cause: Woodgate et al. v RCMP

Ruling of the Tribunal Dated: October 31, 2022

Motion dealt with in writing without appearance of parties

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