

**Canadian Human  
Rights Tribunal**



**Tribunal canadien  
des droits de la personne**

**Citation: 2023 CHRT 19  
Date: May 15, 2023  
File No.: HR-DP-2862-22**

**Between:**

**John Amond**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Euro Link Logistic**

**Respondent**

**Ruling**

**Member: Edward P. Lustig**

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## **I. DECISION**

[1] Mr. Amond's complaint in this matter dated March 28, 2019, alleging discrimination by his employer Euro Link Logistic, on the ground of disability under section 7 of the *Canadian Human Rights Act* (the "Act") is dismissed as it appears to have been abandoned.

## **II. CONTEXT**

[2] On August 9, 2022, the Tribunal wrote Mr. Amond, the Commission Counsel and the Respondent's counsel an initial letter setting out "information about what you need to do next and deadlines that you need to respect". The information covered topics including the Open-Court Principle, Confidential Mediation, Tribunal Inquiry Process-Case Management and Resources to help you prepare your case. The letter requested the parties to reply to a number of questions including whether the parties wished to participate in mediation, in person or video conference preferences, representation, choice of language and accommodation needs. The letter requested a response to the questions before August 23, 2022, by email or mail to the Registry Office of the Tribunal. Phone numbers and fax numbers of the Registry Officer were also provided in case of any questions. The letter was sent by registered mail to Mr. Amond's address that had been provided to the Tribunal by the Commission and was returned as undeliverable.

[3] Registry staff tried to reach Mr. Amond by phone on August 23 and August 25 at the phone number provided to the Tribunal by the Commission, but the calls went to voicemail and were not answered.

[4] On August 29, 2022, the Tribunal sent an amended initial letter to the parties that was the same as the initial letter except that the date to respond was changed to before September 16, 2022. This letter was sent by regular mail and by courier to Mr. Amond at the address provided to the Tribunal by the Commission. On September 1, 2022, Registry staff again attempted to reach Mr. Amond at the phone number provided to the Tribunal by the Commission, but the call went to voicemail and was not answered. Both the

Commission and the Respondent advised the Tribunal that the only contact information they had for Mr. Amond was the phone number and address used by the Tribunal in its correspondence and phone calls to Mr. Amond.

[5] No response from Mr. Amond was received by the Tribunal to the amended initial letter. On January 27, 2023, the Tribunal received correspondence from the Respondent's law firm requesting that the complaint be dismissed as they had twice responded to the questions in the Tribunal's letters and were aware that the Tribunal was unable to establish communication with Mr. Amond.

[6] On March 15, 2023, the Tribunal wrote to the parties in which it attached a copy of the amended initial letter of August 29, 2022, and the Respondent's law firm's request for dismissal of the complaint of January 27, 2023. The letter stated that "Unless we receive a response from the Complainant to this correspondence before March 31, 2023, explaining why he has not responded to our previous letters of August 9 and 29, 2022 and providing a response to the questions therein, we will act on the request of the firm representing the Respondent to dismiss the Complaint". The letter was sent to Mr. Amond at the address provided by the Commission to the Tribunal by both regular mail and by courier. No response was received by the Tribunal to the letter from Mr. Amond and the registered letter was returned as unclaimed.

### **III. ISSUE**

[7] The sole issue to be determined by the Tribunal in this matter is whether the Complaint should be dismissed.

### **IV. ANALYSIS**

[8] Rule 5 of the *Canadian Human Rights Rules of Procedure* (the "Rules") provides that the Rules are to be interpreted and applied so as to secure the informal, expeditious and fair determination of every inquiry on its merits. Rule 9 of the Rules provides that if a party does not comply with these Rules, an order of a panel or a time limit established under these

Rules, the panel may, on the motion of another party or its own initiative, and having regard to the circumstances, dismiss the complaint to achieve the purpose set out in Rule 5.

[9] In the circumstances set out above, in this case the Tribunal has done everything reasonable to reach Mr. Amond to allow his complaint to proceed but Mr. Amond has not responded to any attempt by the Tribunal to reach him. As such, it appears that he has abandoned his complaint and pursuant to Rule 5 of the Rules it should be dismissed.

**V. ORDER**

[10] Mr. Amond's complaint in this matter is dismissed.

*Signed by*

Edward P. Lustig  
Tribunal Member

Ottawa, ON  
May 15, 2023

# **Canadian Human Rights Tribunal**

## **Parties of Record**

**File No.:** HR-DP-2862-22

**Style of Cause:** John Amond v. Euro Link Logistic

**Ruling of the Tribunal Dated:** May 15, 2023

**Motion dealt with in writing without appearance of parties**

**Written representations by:**

Gurpreet Singh Rai, for the Respondent