

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 17
Date: March 21, 2024
File No.: HR-DP-2834-22

Between:

Curtis Homeniuk

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service Canada

Respondent

Decision

Member: Athanasios Hadjis

[1] Curtis Homeniuk, the Complainant, has not communicated with the Tribunal since October 25, 2022. For the following reasons, I am dismissing the complaint as abandoned.

[2] Mr. Homeniuk filed his complaint against Correctional Service Canada (CSC) on March 21, 2021. The Canadian Human Rights Commission (the "Commission") referred the complaint to the Tribunal for inquiry on April 28, 2022. The Commission advised the Tribunal that it would limit its participation to case management procedures and would not be participating at the hearing of the complaint.

[3] At the time, Mr. Homeniuk was being supervised by CSC in the community. Through his parole officer, the Tribunal sent its initial letter to him outlining the hearing process's steps, including the requirement that Mr. Homeniuk provide his Statement of Particulars (SOP) by August 1, 2022.

[4] On June 29, 2022, Mr. Homeniuk emailed the Tribunal from his personal email address to confirm that he received the Tribunal's letter. He also provided his personal telephone number and address. On August 3, 2022, Mr. Homeniuk emailed a request to extend the due date for his SOP, which the Tribunal granted. His new SOP deadline was September 30, 2022.

[5] The SOP was not filed by this date, and the Tribunal sent a follow-up email to his personal email address. On October 25, 2022, Mr. Homeniuk responded by email saying that he had mailed in his SOP two weeks earlier. However, the Tribunal never received any correspondence by mail or otherwise from him.

[6] Since then, the Tribunal has not had any further communication from Mr. Homeniuk, despite sending him a follow-up email on October 31, 2022.

[7] On May 15, 2023, CSC informed the Tribunal that Mr. Homeniuk was in a temporary detention centre in the Pacific region and provided the contact information of his new parole officer. On June 1, 2023, his parole officer confirmed that he had spoken to Mr. Homeniuk and reminded him that he must submit his SOP with the Tribunal or provide some update. According to the parole officer, Mr. Homeniuk said that he would be contacting the Tribunal with an update. However, the Tribunal received no communication from Mr. Homeniuk.

[8] On February 21, 2024, in response to a Tribunal request for an update, a representative of CSC confirmed that Mr. Homeniuk had completed his sentence on July 11, 2023, and that CSC had no knowledge of whether he intended to file an SOP. CSC also confirmed that as Mr. Homeniuk is under no form of supervision order, it has no contact information for him and no knowledge of his whereabouts.

[9] Mr. Homeniuk was copied on all the above-mentioned correspondence with CSC at the same email address he had used to communicate with the Tribunal since June 2022. He never provided another email address.

[10] On February 23, 2024, a Tribunal registry officer attempted to telephone Mr. Homeniuk at a number that he had provided in his email of June 29, 2022, where he said he could be contacted “anytime.” There was no answer, and the voicemail message did not include a name. The registry officer left a message, but no reply was received.

[11] On February 29, 2024, the Tribunal Registry sent an email to Mr. Homeniuk at another email address, which his parole officer had provided to the Tribunal on June 27, 2022. Mr. Homeniuk’s communications with the Tribunal were always from a different email address than the one given by the parole officer. In the Tribunal Registry’s email, Mr. Homeniuk was asked to provide an update by March 7, 2024. He did not respond.

[12] It is up to complainants to advance their cases and to provide their most recent contact information (*Towedo v. Correctional Service of Canada*, 2024 CHRT 6 at paras 4-5). Mr. Homeniuk has not communicated directly with the Tribunal since October 2022, and if his email or other contact information has changed, he has failed to provide it.

[13] In the circumstances, Mr. Homeniuk is deemed to have abandoned his complaint. Without the means to contact him or any communication from him to indicate he is filing his SOP or otherwise wishing to proceed with his complaint, the complaint is dismissed.

ORDER

[14] The complaint is dismissed as abandoned. The Tribunal's file will be closed, and the Tribunal Registry will advise the parties accordingly.

Signed by

Athanasios Hadjis
Tribunal Member

Ottawa, Ontario
March 21, 2024

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: HR-DP-2834-22

Style of Cause: Curtis Homeniuk v. Correctional Service Canada

Decision of the Tribunal Dated: March 21, 2024

Curtis Homeniuk, for himself

Julie Hudson, for the Canadian Human Rights Commission

Tasha Emmerton for the Respondent