

**CANADIAN HUMAN RIGHTS TRIBUNAL TRIBUNAL CANADIEN DES
DROITS DE LA PERSONNE**

RICHARD WARMAN

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

MARC LEMIRE

Respondent

- and -

ATTORNEY GENERAL OF CANADA

Interested Party

RULING

MEMBER: Athanasios Hadjis 2006 CHRT 7
2006/02/22

[1] I have had the opportunity to review the parties' submissions on the issue of venue for the hearing into this complaint.

[2] It is alleged in the complaint that Marc Lemire communicated hate messages through an Internet website called "freedomsite.org", in violation of s. 13 of the *Canadian Human Rights Act*. The Complainant, Richard Warman, claims to have viewed the website on a computer in Ottawa, where he resides. Mr. Lemire lives somewhere in or near Oakville, Ontario, in the Greater Toronto Area (GTA). His exact address was not disclosed by his legal counsel in her submissions. The freedomsite.org website has a postal address that is located in Toronto.

[3] Thus, Mr. Lemire, a resident of the GTA, is alleged to have operated a website, which was also based in Toronto, through which hate messages were communicated. The nature of the Internet is such that the material could have been viewed from Ottawa or just about any other spot on the globe. In my view, however, the place most closely linked to the alleged discriminatory conduct is the GTA.

[4] Mr. Warman suggested conducting the hearing at some point midway between Ottawa and Toronto, such as Kingston. I fail to see the logic in this proposal. At a distance of several hours from both Ottawa and Toronto, such a location would not be convenient to anyone and has no rational connection to the place where the alleged discrimination took place.

[5] I find that the most appropriate venue for this case is Toronto. Mr. Warman submits that if the hearing is to be held in Toronto, he would prefer that the location chosen be situated in the downtown area. His travel expenses would be reduced since he has

personal access to lower accommodation costs, and public transit is more readily available to him. This is a reasonable request in my opinion.

[6] Mr. Lemire has expressed a preference for the Oakville/Mississauga/Etobicoke area, at the western end of the GTA. He needs to be able to pick up his child from day care. He also claims that he fears intimidation and harassment from certain groups if the hearing takes place in downtown Toronto. I am certain Mr. Lemire can be accommodated on both fronts. The hearing schedule could be adjusted to allow enough time for him to pick up his child, if needed. The parties can also rest assured that any disturbance or intimidation, inside or outside the hearing room, will not be tolerated by the Tribunal, and appropriate measures will be taken to deal with any problem that may arise.

[7] Having considered all of the parties' submissions, I direct that the hearing into this complaint be conducted in central or downtown Toronto. The exact address is to be determined and will be communicated to the parties by the Tribunal at a later time.

"signed by"

Athanasios Hadjis

OTTAWA, Ontario

February

22,

2006

PARTIES OF RECORD

TRIBUNAL FILE:	T1073/5405
STYLE OF CAUSE:	Richard Warman v. Marc Lemire
RULING DATED:	February 22, 2006
APPEARANCES:	
Richard Warman	On his own behalf
Giacomo Vigna / Ikram Warsame	On behalf of the Canadian Human Rights Commission
Barbara Kulaszka	On behalf of the Respondent
Simon Foghergill	On behalf of the Attorney General of Canada