

CANADIAN HUMAN RIGHTS TRIBUNAL TRIBUNAL CANADIEN DES DROITS DE
LA PERSONNE

BEACHESBOY@AOL.COM

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

HBOSS

Respondent

RULING

MEMBER: Edward P. Lustig 2010 CHRT 12
2010/05/19

[1] This is a ruling concerning a complaint by beachesboy@aol.com against HBoss.

[2] A complaint was filed on July 15, 2005. It alleges that the Respondent discriminated against the Complainant and others on the basis of sexual orientation by repeatedly communicating through AOL Canada message boards, messages which would likely expose homosexuals to hatred and/or contempt contrary to section 13(1) of the *Canadian Human Rights Act*. The alleged conduct occurred from on or about February 16, 2005 to on or about June 6, 2005.

[3] The complaint was referred by the Canadian Human Rights Commission to the Canadian Human Rights Tribunal on August 30, 2007. On November 29, 2007, the Commission provided to the Tribunal, as per Rule 4(1) of the Canadian Human Rights Tribunal's Rules of Procedure, contact information with respect to the parties.

[4] The Tribunal's initial letter requesting the parties' position regarding mediation was issued to all parties on December 19, 2007. The Complainant and the Commission responded in favor of mediation.

[5] The Tribunal's initial letter of December 19, 2007, which was sent by courier to the Respondent, was returned on January 14, 2008 marked "UNCLAIMED". The same letter was

then sent again to the Respondent on January 23, 2008 by regular mail but was returned to the Tribunal on February 6, 2008 marked "MOVED".

[6] On February 11, 2008, the Tribunal requested from the Commission an alternate address for communications for the Respondent. No alternative address was provided.

[7] On June 5, 2009, the Tribunal requested that the Commission provide further particulars as to the Respondent's address. As at November 20, 2009 the Tribunal had not been provided with these particulars.

[8] On November 20, 2009, the Tribunal instructed the Commission to serve on the Complainant and file with the Tribunal, on or before November 27, 2009, particulars as to contact information with respect to the Respondent and to make submissions on whether the matter should proceed. The instruction of the Tribunal indicated that the Complainant would then have until December 4, 2009 to serve on the Commission and to file with the Tribunal written submissions on whether the matter should proceed.

[9] On November 25, 2009, the Commission wrote to the Tribunal advising that the Respondent could not be located and that all attempts to do so had been "fruitless". The Commission noted that no further objectionable material had been brought to the attention of the Commission since 2005. The Commission's letter went on to say that its opinion was that it was no longer in the public interest to pursue the complaint. It also submitted that, in light of all the circumstances, the complaint should be dismissed.

[10] On December 10, 2009, the Tribunal corresponded to the Complainant by forwarding the Tribunal's letter of November 25, 2009 asking for a response thereto by December 14, 2009. No response was provided.

[11] It does not appear that any of the parties are interested in continuing to participate in this matter. Accordingly, the complaint is hereby dismissed.

"Signed by"

Edward P. Lustig

OTTAWA, Ontario
May 19, 2010

PARTIES OF RECORD

TRIBUNAL FILE:	T1252/6407
STYLE OF CAUSE:	Beachesboy@aol.com v. HBoss

DECISION OF THE TRIBUNAL DATED:	May 19, 2010
APPEARANCES:	
Beachesboy@aol.com	For himself
Daniel Poulin	For the Canadian Human Rights Commission
No one appearing	For the Respondent