

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

MARY SHEPEL

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

PATERSON GLOBALFOODS INCORPORATED

Respondent

DECISION

MEMBER: J. Grant Sinclair 2008 CHRT 50
2008/12/16

[1] The hearing in this complaint was convened at 9:30 a.m. on Monday, November 24, 2008 at Winnipeg, Manitoba. At the commencement of the hearing, the Tribunal Registry Officer read the case for hearing and called for appearances. Ms. Suzanne Dandenault, counsel for the Respondent Paterson GlobalFoods Incorporated was in attendance.

[2] The Complainant, Mary C. Shepel, did not appear and was not in attendance at the opening of the hearing, nor did anyone appear on her behalf.

[3] No one appeared at the hearing on behalf of the Canadian Human Rights Commission.

[4] The Tribunal adjourned the hearing until 9:50 a.m. that same day. Upon resumption, the Registry Officer once again called for appearances. Counsel for the Respondent was again in attendance but neither Ms. Shepel nor anyone on her behalf was present.

[5] On August 19, 2008, the Complainant requested the hearing of her complaint be held during the last week of October or mid to end of November 2008. In response to a further request from the Complainant for the hearing to be fixed, Ms. Shepel was advised by the Tribunal on September 11, 2008 that the hearing would proceed at Winnipeg from November 24 to 28, 2008.

[6] In accordance with the Tribunal's instructions of September 26, 2008, the time for the Complainant to provide full disclosure pursuant to Tribunal Rule 6 was extended to October 3, 2008. The Complainant later advised the Tribunal on October 9, 2008 that her disclosure would be filed on October 14, 2008.

[7] The Complainant failed to meet her disclosure deadline as per Rule 6(1) of the Tribunal's Rules and Procedures. Nor has the Complainant requested a further extension or a conference call with the Tribunal to discuss the outstanding issue of disclosure.

[8] A Notice confirming the November hearing dates was sent to Ms. Shepel on October 10, 2008. On November 6, 2008, Ms. Shepel wrote to the Tribunal that she no longer had the resources or time to go forward with the preparation needed for the Tribunal process.

[9] On November 13, 2008, the Tribunal notified Ms. Shepel again of the location, dates and time for the hearing of her complaint. Ms. Shepel responded on November 20, 2008 that she would not be participating in the hearing at this time. She did not request that the hearing be rescheduled.

[10] No evidence was called or otherwise provided in support of Mary Shepel's complaint at the hearing on November 24, 2008. Accordingly, I find that the complaint against Paterson GlobalFoods Incorporated has not been substantiated and is hereby dismissed under section 53(1) of the *Canadian Human Rights Act*.

"Signed by"

J. Grant Sinclair

OTTAWA, Ontario
December

16,

2008

PARTIES OF RECORD

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| TRIBUNAL FILE: | T1305/3508 |
| STYLE OF CAUSE: | Mary Shepel v. Paterson GlobalFoods Incorporated |
| DATE AND PLACE OF HEARING: | November 24, 2008 Winnipeg, Manitoba |
| DECISION OF THE TRIBUNAL DATED: | December 16, 2008 |
| APPEARANCES: | |
| No one appearing | For the Complainant |
| No one appearing | For the Canadian Human Rights Commission |
| Suzanne Dandenault | For the Respondent |