

**Canadian Human Rights Tribunal Tribunal canadien des droits de la
personne**

BETWEEN:

SUZANNE LEE

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

DEPARTMENT OF NATIONAL DEFENCE

Respondent

RULING - MEDICAL EXAMINATION

Ruling No. 2

2001/06/29

PANEL: J. Grant Sinclair, Vice-Chairperson

BETWEEN:

SUZANNE LEE

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

DEPARTMENT OF NATIONAL DEFENCE

Respondent

ORDER

[1] The Respondent, in submissions dated June 24, 2001 and June 28, 2001, has sought an order compelling the Complainant to attend at the offices of a psychiatrist and occupational therapist retained by the Department of National Defence. The Commission and Complainant, in submissions dated June 28, 2001, have objected to this request.

[2] Having considered the representations of the parties, and subject to what follows, the Tribunal hereby orders the Complainant to make herself available for medical examination by a psychiatrist and occupational therapist retained by the Respondent.

[3] The Respondent is ordered to arrange the complainant's attendance on such terms as are reasonable, defray all travel expenses associated with the Complainant's attendance, and provide disclosure to the other parties of any reports generated from the examinations.

[4] Should the Complainant choose not to attend for medical examination under the terms of this order, the Complainant and the Commission may not be permitted, in this inquiry, to introduce any evidence from a psychiatrist or any evidence from an occupational therapist to whom the Complainant was referred.

J. Grant Sinclair, Q.C., Vice-chairperson

OTTAWA, Ontario

June 29, 2001

CANADIAN HUMAN RIGHTS TRIBUNAL

COUNSEL OF RECORD

TRIBUNAL FILE NO.: T629/1701

STYLE OF CAUSE: Lee v. Department of National Defence

ORDER OF THE TRIBUNAL DATED: June 29, 2001

APPEARANCES:

Daniel Pagowski For the Canadian Human Rights Commission

Jeffrey Hayes For the Department of National Defence

