

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

MARGARET KELLY (STACEY)

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

MOHAWK COUNCIL OF KAHNAWAKE

- and -

COUNCIL OF ELDERS

Respondent

DECISION

MEMBER: J. Grant Sinclair 2008 CHRT 47
2008/10/31

[1] The hearing in these complaints was convened at 9:30 am on Thursday, October 16, 2008 at Montréal, Quebec. Before the commencement of the hearing, the Tribunal Registry Officer called for appearances and asked the parties to complete their records of appearance. Mr. Daniel Poulin, counsel for the Canadian Human Rights Commission and Mr. François Dandonneau, co-counsel for the respondent Mohawk Council of Kahnawake were in attendance. Mr. Dandonneau advised the Tribunal that his co-counsel, Ms. Mary Lee Armstrong, would be arriving shortly, and she did.

[2] The complainant, Margaret Kelly (Stacey), did not appear and was not in attendance at the open of the hearing nor did anyone appear on her behalf. No one appeared on behalf of the Council of Elders.

[3] The Tribunal adjourned the hearing until 2:00 o'clock of that same day. Upon resumption, the Registry Officer read the case for hearing and again called for appearances. Counsel for the Commission and respondent were again in attendance but neither Ms. Kelly nor anyone on her behalf were present.

[4] Documents were filed as Tribunal exhibit "T-1" confirming notification of this hearing to the complainant, including:

- a) Letter dated October 1, 2008 from the Tribunal summarizing the September 30, 2008 case management conference call;
- b) Tribunal's Revised Notice of Hearing dated October 1, 2008 confirming the October 16-17, 2008 and October 27-31, 2008 hearing dates;

- c) Tribunal Ruling 2008 CHRT 42 dated September 30, 2008 dismissing the complaint in Tribunal file T1270/8207, Margaret Kelly (Stacey) v. Department of Indian and Northern Affairs Canada;
- d) Copy of the electronic confirmation of the Tribunal's directions dated October 1, 2008, the Tribunal's Revised Notice of Hearing dated October 1, 2008 and the Tribunal's Ruling 2008 CHRT 42 dated September 30, 2008;
- e) Canada Post acknowledgement of receipt of package TM102570317CA indicating that the package, containing the Tribunal's directions letter dated October 1, 2008, the Tribunal's Revised Notice of Hearing dated October 1, 2008 and the Tribunal's Ruling (2008 CHRT 42) dated September 30, 2008, was successfully delivered to Ms. Kelly at her last known address.

[5] No evidence was called or otherwise provided in support of Margaret Kelly (Stacey)'s complaints. Accordingly, I find that the complaints against the Mohawk Council of Kahnawake and the Council of Elders have not been substantiated and are hereby dismissed under section 53(1) of the *Canadian Human Rights Act*.

"I hereby certify that the foregoing is a true and accurate representation of my oral decision given from the bench on October 16, 2008."

"Signed by"

J. Grant Sinclair

OTTAWA, Ontario
October 31, 2008

PARTIES OF RECORD

TRIBUNAL FILE:	T1268/8007 and T1269/8107
STYLE OF CAUSE:	Margaret Kelly (Stacey) v. Mohawk Council of Kahnawake and Council of Elders
DATE AND PLACE OF HEARING:	October 16, 2008 Montréal, Quebec
DECISION OF THE TRIBUNAL DATED:	October 31, 2008 (Oral decision rendered from the bench on October 16, 2008)
APPEARANCES:	
No one appearing	For the Complainant

Daniel Poulin	For the Canadian Human Rights Commission
Mary Lee Armstrong François Dandonneau	For the Respondent (Mohawk Council of Kahwanake)
No one appearing	For the Respondent (Council of Elders)