

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Between:

Anne Marsden

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Public Works and Government Services Canada

- and -

Courts Administration Service

Respondents

Ruling

File Nos.: T1701/5611 and T1702/5711

Member: Robert Malo

Date: March 7, 2014

Citation: 2014 CHRT 9

[1] The Tribunal is in receipt of a letter from the Complainant in this matter, Anne Marsden, sent by fax on March 6, 2014 at 9:31 a.m. addressed to: Tribunal Member Robert Malo; Chair S. Gupta; Ms. Zagorska, Counsel for CAS and PWGSC; David Langtry, Commissioner CHRC; Jodie van Dieen, Director General and Senior General Counsel; and Hon. Mike Wallace, MP for Burlington and Chair Government Human Rights Committee.

[2] The Tribunal is also in receipt of a letter from the Complainant in this matter, Anne Marsden, sent by fax on March 6, 2014 at 9:32 a.m. addressed to her treating physician.

[3] In both these letters, the Complainant indicates she is abandoning her complaints currently before the Tribunal.

[4] The Tribunal will respond to the correspondence by way of this ruling.

[5] The complainant states:

The promise by the Tribunal of an expeditious hearing being held with the complainant being given full opportunity to be heard as a result of the Canadian Human Rights Commissioner David Langtry's order has been repeatedly and blatantly denied.

[6] She also states:

The known consequence of the Tribunal's well evidenced repetitive clearly intentional removal of the right of full opportunity to be heard on the complainant's health and quality of life leaves her with no alternative than to abandon the complaints.

[7] The Tribunal finds that the record of this proceeding does not support the Complainant's allegations that she was deprived of the full opportunity to be heard by this Tribunal.

[8] To the contrary, the Tribunal notes that the Complainant had neglected or refused attempts by the Tribunal to schedule a Case Management Conference Call that was to take place in Fall 2013, specifically to set hearing dates.

[9] In addition, hearing dates were scheduled for March 2014, with a Case Management Conference Call scheduled for March 7, 2014 to discuss the parameters for the continuation of the hearing into the complaints. The Complainant, however, decided to abandon her complaints for reasons that are mentioned in her letters.

[10] The Tribunal notes as well, that in a letter dated November 21, 2011 to the Registrar of the Tribunal, the Complainant's attending physician states "Since 2010 I have advised her in the best interests of her health to retire from her advocacy role."

[11] Notwithstanding the advice of her own physician, the Complainant chose to pursue the current complaints before the Tribunal—as is her right—though in so doing she put her own health in jeopardy. While the tribunal made every possible effort to accommodate the complainant's health issues, ultimately, the Tribunal cannot be responsible for a medical situation that originates from the Complainant's decision to pursue her complaints.

[12] Additionally, during the last few weeks, the Tribunal has taken notice of many aggressive, abusive and untruthful e-mails addressed to tribunal staff and to the presiding member, including the Acting Chairperson. Communications were sent directly to tribunal members on many occasions, instead of being sent to the Registry Office for forwarding (*as per* repeated directions and reminders). These abusive communications culminated in an email sent on March 5, 2014, wherein the complainant requested that the Acting Chief Commissioner of the Canadian Human Rights Commission initiate an RCMP investigation into what she believed to be criminal conduct that had allegedly occurred during the inquiry, namely "obstruction of justice, assault, misrepresentation of fact".

[13] The tribunal finds the many outrageous allegations in these e-mails to be groundless and notes that they are illustrative of the incapacity of the complainant to represent her case adequately.

[14] It is noteworthy that through much of this case, the complainant appeared to be represented by her spouse, designated as her Personal Support Person. Many of the abusive communications in this proceeding appeared to have been sent by him, on the complainant's behalf. That said, it was made abundantly clear on several occasions by direct communication with the complainant that her Personal Support Person was fully mandated to make submissions on her behalf, and that he did so with her full knowledge and consent.

[15] The tribunal reiterates the fact that it had attempted to fulfil its obligations under the *Canadian Human Rights Act* towards the complainant. The tribunal is fully committed to accommodating the needs of all hearing participants, and indeed remained committed to accommodating the complainant's needs notwithstanding her vexatious conduct. Were it not for the negative and aggressive attitude of the Complainant, she could have obtained a hearing of her complaints in March 2014 or earlier, had she only declared her availability, as she had been invited to do well before now.

[16] It is not the Tribunal that brought this inquiry to an end. It is the complainant who did so.

[17] While an express finding in this regard may not be necessary, given her abandonment of the complaints, the Tribunal concludes that the Complainant has insufficient evidence to present in support of her complaints, despite having been invited to present her case many times, and despite the tribunal's ongoing willingness to accommodate her needs .

[18] Consequently, the complaints are, for all purposes, dismissed.

Signed by

Robert Malo
Tribunal Member

Ottawa, Ontario

March 7, 2014