

Canadian Human  
Rights Tribunal



Tribunal canadien  
des droits de la personne

**Between:**

**Center for Research-Action on Race Relations**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**[www.bcwhitepride.com](http://www.bcwhitepride.com)**

**Respondent**

**Ruling**

**Member:** Karen A. Jensen

**Date:** October 11, 2006

**Citation:** 2006 CHRT 41

[1] This is a ruling regarding the venue for the hearing into the complaint brought against [www.bcwhitepride.com](http://www.bcwhitepride.com) by the Center for Research-Action on Race Relations (CRARR). CRARR alleges that the Respondent, [www.bcwhitepride.com](http://www.bcwhitepride.com), communicated hate messages over the Internet contrary to s. 13 of the *Canadian Human Rights Act*.

[2] The Canadian Human Rights Commission (the Commission) and CRARR both submit that the hearing should be held either in Ottawa or in Montreal since they are located in those two cities and their two witnesses reside in Montreal and Ottawa.

[3] Mr. Paul Fromm argued, on behalf of the Respondent, that the hearing should be held in Penticton, British Columbia. Mr. Fromm submitted that, although not a named Respondent, Mr. John Beck is the subject of a motion by the Commission to add him as a Respondent to the present complaint. Mr. Beck wishes to contest this motion. According to Mr. Fromm, Mr. Beck does not have the financial means to attend a hearing in Ottawa or Montreal. Mr. Fromm further argues that the Respondent's witness, Mr. Bernard Klatt, lives in the south Okanagan region of British Columbia. Moreover, the named Respondent, [www.bcwhitepride.com](http://www.bcwhitepride.com), is or was ostensibly based in British Columbia.

[4] It is the usual practice of the Tribunal to hold hearings in the place where the alleged discrimination occurred. However, in cases involving the alleged communication of hate messages over the Internet, it is difficult to determine exactly where the discrimination occurred. The Tribunal strives to accommodate the parties where it is appropriate to do so (*Warman v. Canadian Heritage Alliance and Melissa Guille* 2006 CHRT 17 at para 4).

[5] In this case, there are two parties with two witnesses who would like the hearing to be in Ottawa or Montreal. On the other side, there is one party and one potential party with one witness (possibly two) who would like the hearing to take place in British Columbia. Thus, the competing demands are relatively equal on a numeric basis. However, I find that the balance of convenience favours the Respondent in this case.

[6] For some reason, Mr. John Beck was not named as a Respondent before the complaint was referred to the Tribunal. The Commission has, however, provided notice that it will seek to have him added as a Respondent at the outset of the hearing. The Commission wants Mr. Beck to travel to Ottawa or Montreal so that it can attempt to have him added as a party. This does not seem fair. In my view, if the Commission wishes to add Mr. Beck as a party, then it must bring its motion to do so in Penticton, British Columbia.

[7] Given that there is at least one other witness from that part of British Columbia and the Respondent is also from British Columbia, I think that it makes sense to hold the entire hearing in Penticton. Moreover, there is a plausible argument to be made that the Commission and the Complainant may well be in a better position than the Respondent and the potential Respondent to bear the costs of a hearing in a different venue.

[8] Therefore, I direct that the hearing into this complaint be conducted in Penticton, British Columbia, or as close thereto as can be arranged by the Tribunal.

*Signed by*

Karen A. Jensen  
Tribunal Member

Ottawa, Ontario  
October 11, 2006

# **Canadian Human Rights Tribunal**

## **Parties of Record**

**Tribunal File:** T1120/0206

**Style of Cause:** Center for Research-Action on Race Relations v. www.bcwhitepride.com

**Ruling of the Tribunal Dated:** October 11, 2006

### **Appearances:**

Fo Niemi, for the Complainant

Giacomo Vigna, for the Canadian Human Rights Commission

Paul Fromm, for the Respondent