

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

RICHARD WARMAN

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

MARC LEMIRE

Respondent

- and -

**ATTORNEY GENERAL OF CANADA
CANADIAN ASSOCIATION FOR FREE EXPRESSION
CANADIAN FREE SPEECH LEAGUE
CANADIAN JEWISH CONGRESS
FRIENDS OF SIMON WIESENTHAL CENTER FOR HOLOCAUST STUDIES
LEAGUE OF HUMAN RIGHTS OF B'NAI BRITH**

Interested Parties

RULING

MEMBER: Athanasios D. Hadjis 2006 CHRT 13
2006/03/14

[1] The Canadian Human Rights Commission has brought a motion requesting that the complaint dated September 7, 2003, be amended to add sexual orientation as one of the prohibited grounds on the basis of which the Respondent is alleged to have discriminated against persons or groups of persons. The Complainant has not made any submissions in regard to the motion, but I can safely assume that he endorses the Commission's motion.

[2] Respondent Counsel has informed the Tribunal that her client takes no position on the motion.

[3] I have reviewed the Commission's motion and its supporting documentation. It is evident that the proposed amendment does not rely on new facts. It stems from the same set of facts already contained in the complaint form.

[4] Furthermore, it is not plain and obvious that the amendments to the allegations could not possibly succeed.

[5] The Commission's motion is therefore granted. The complaint will be amended to include sexual orientation to the list of grounds on the basis of which the Respondent is alleged to have discriminated against persons or groups of persons.

[6] The Respondent had requested leave to file further "submissions on his constitutional motion", in the event that the Commission's motion was granted. I have already directed that the constitutional question will be addressed along with all the other final submissions, at the end of the hearing. However, I take it that the Respondent is seeking, in light of the amendment, to complete his Statement of Particulars, Disclosure, and Production, pursuant to Rule 6 of the Tribunal's Rules of Procedure, by also addressing the additional ground of sexual orientation.

[7] Accordingly, I direct that the Respondent may do so by the date when he was already scheduled to file his expert reports, April 24, 2006.

"signed by"

Athanasios D. Hadjis

OTTAWA, Ontario

March 14, 2006

PARTIES OF RECORD

TRIBUNAL FILE:	T1073/5405
STYLE OF CAUSE:	Richard Warman v. Marc Lemire
RULING DATED:	March 14, 2006
APPEARANCES:	
Richard Warman	On his own behalf
Giacomo Vigna / Ikram Warsame	On behalf of the Canadian Human Rights Commission
Barbara Kulaszka	On behalf of the Respondent
Simon Fothergill	On behalf of the Attorney General of Canada
Paul Fromm	On behalf of the Canadian Association for Free Expression
Douglas H. Christie	On behalf of the Canadian Free Speech League

Marvin Kurz

On behalf of the League of Human Rights of B'nai Brith and on behalf of counsel for the Canadian Jewish Congress and the Friends of Simon Wiesenthal Center for Holocaust Studies