

RICHARD WARMAN

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

NORTHERN ALLIANCE AND JASON OUWENDYK

Respondents

RULING

MEMBER: Athanasios D. Hadjis 2008 CHRT 6
2008/03/19

[1] The Commission has moved to obtain an order from the Tribunal that the Respondent Jason Ouwendyk and his agent refrain from using, in written documents filed in this case, language meant to "demean" the Complainant, the Tribunal, the Commission or any officer of the Court. The Commission also objects to Mr. Ouwendyk's agent in this case, Alexan Kulbashian, using the letters "HR" instead of the words "Human Rights" when referring to the Canadian Human Rights Commission, the *Canadian Human Rights Act* and the Canadian Human Rights Tribunal in his written pleadings. The Commission seeks an order that the Respondent cease this practice. The Commission also requests that the Respondent's Statement of Particulars and "Charter Challenge Witness List", which contain the above references, be "rejected and declared expunged" from the "Tribunal's Record".

[2] Section 50(1) of the *Act* states that the Tribunal must provide parties with the full and ample opportunity, in person or through *counsel* ("avocat" or lawyer in the French rendering), to appear at the inquiry, present evidence and make representations. It has been the Tribunal's practice, nevertheless, to permit non-lawyer agents of parties to appear as well (see *Brown v. Royal Canadian Mounted Police*, 2004 CHRT 30 at paras. 86-7; *Filgueira v. Garfield Container Transport Inc.*, 2005 CHRT 27 at para. 16). However, the Tribunal may, at its discretion, limit participation to those agents whom the Tribunal believes will facilitate, rather than hinder, its adjudicative process (*Filgueira* at para. 15). Accordingly, where an agent of a party behaves in a manner that is offensive or disrespectful towards the other parties or to the Tribunal itself, in my view, the Tribunal is entitled to exercise its discretion to deny the agent permission to represent the party in the proceeding.

[3] In the present case, I note that Mr. Kulbashian has called the Complainant a "liar". He appears to refer to the Commission and/or the Tribunal as a "thug dressed like a lawyer" and to a Tribunal member as a "fanatic". Although a party is entitled to question another party's credibility and challenge the legality of the Tribunal's process, this sort of demeaning language is inappropriate and unacceptable in any adjudicative proceeding. The Tribunal hereby advises and directs Mr. Kulbashian not to repeat remarks of this nature in his future dealings with this case, failing which he will no longer be permitted to appear in this proceeding as Mr. Ouwendyk's representative.

[4] As for the Commission's request regarding Mr. Ouwendyk's use of the letters "HR", the Tribunal does not find that this matter warrants its intervention. The impugned documents will not be "expunged".

"Signed by"

Athanasios D. Hadjis

OTTAWA, Ontario

March

19,

2008

PARTIES OF RECORD

TRIBUNAL FILES:	T1216/2807 and T1217/2907
STYLE OF CAUSE:	Richard Warman v. Northern Alliance and Jason Ouwendyk
RULING OF THE TRIBUNAL DATED:	March 19, 2008
APPEARANCES:	
Richard Warman	For himself
Daniel Poulin	For the Canadian Human Rights Commission
No one appearing	For the Respondent Northern Alliance
Alexan Kulbashian	For the Respondent Jason Ouwendyk