

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

DORIS FOX

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

MUSQUEAM INDIAN BAND AND DARYL HARGITT

Respondent

REASONS FOR DECISION

PANEL/MEMBER: J. Grant Sinclair

2004 CHRT 17
2004/05/10

[1] This hearing was convened on Monday, May 10, 2004 in Vancouver. At the commencement of the hearing, the Tribunal Registry Officer read the case for hearing and called for appearances. Shera Skinner, Respondent Counsel and Shayda Kassam, Human Resources Advisor for the respondent were present and appeared on behalf of the respondent.

[2] The complainant, Doris Fox was not present at the hearing, nor was anyone present or appeared on her behalf.

[3] The Tribunal adjourned for 25 minutes and upon resumption of the hearing, the Registry Officer asked whether Doris Fox or a representative of Doris Fox was in attendance at the proceedings. Again there was no response.

[4] The affidavit of service of Bruce Biagioni, Process Server, was filed. The affidavit set out that the complainant Doris Fox was personally served on April 20, 2004 with Tribunal letters dated April 14, 2004, March 8, 2004 and February 4, 2004 along with a Notice of Postponement indicating that the hearing would proceed on May 10 to 14, 2004 at the Federal Court of Canada in Vancouver, British Columbia. These documents were filed as exhibits.

[5] Also filed was another affidavit of service of Bruce Biagioni setting out that Doris Fox was served personally on April 20, 2004 with the Tribunal letter dated April 19, 2004 to Shera Skinner, along with the respondent's Notice of Motion seeking the dismissal of the complaint against the respondents and the Index from the Tribunal's Book of Jurisprudence. The Commission did not attend the hearing and did not call any evidence or provide any evidence in support of the complaint. No evidence was called by the complainant in support of the complaint. Accordingly, I find that the complaint has not been substantiated and the complaint is hereby dismissed under s. 53(1) of the *Canadian Human Rights Act*.

Signed
by _____

J. Grant Sinclair

May 10, 2004
VANCOUVER, British Columbia

PARTIES OF RECORD

TRIBUNAL FILES: T850/10003 and T851/10103

STYLE OF CAUSE: Doris Fox v.
Musqueam Indian Band and Daryl Hargitt

DATE AND PLACE OF HEARING: May 10, 2004
Vancouver, British Columbia

DECISION OF THE TRIBUNAL
DATED: May 10, 2004
(Written decision forwarded to the parties on
May 27, 2004)

APPEARANCES:

Shera Skinner
Counsel for the Respondent