

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

**STEPHANIE REID**

**Complainant**

**- and -**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

**- and -**

**AGRICULTURE AND AGRI-FOOD CANADA**

**- and -**

**CANADIAN FOOD INSPECTION AGENCY**

**Respondents**

**RULING ON REQUEST TO AMEND THE STYLE OF CAUSE**

**MEMBER: Dr. Paul Groarke**

**2004 CHRT 39**

**2004/12/23**

[1] Counsel for the Respondents has requested that the style of cause of the proceedings be amended to read:

*Stephanie Reid v. Attorney General of Canada (representing the Department of Agriculture and Agri-Food Canada) and Canadian Food Inspection Agency*

instead of the current:

*Stephanie Reid v. Agriculture and Agri-Food Canada and Canadian Food Inspection Agency.*

[2] In her letter requesting the amendment, counsel states:

The capacity to sue and be sued is reserved to natural and moral persons. The only organizations that constitute moral persons who can sue and be sued are those granted, by statute, a distinct legal personality. The Department of Agriculture and Agri-Food does not have a distinct legal personality. It is simply a department of the Government of Canada.

[3] The issue does not arise with respect to the *Canadian Food Inspection Agency*, which may sue or be sued under section 3 and section 15 of the *Canadian Food Inspection Agency Act*, S.C. 1997, c. 6.

[4] Counsel submits that the proper Respondent is the Crown, which employs the individuals who participated in the events that led to the Complaint. The Queen however cannot be named in proceedings. The Common Law apparently holds that the Attorney General should be named as the Respondent, as representative of the Crown. None of this is in question on the application.

[5] It seems to me that all of the parties, as well as the Tribunal, share a common interest in seeing that the right persons are before the Tribunal. This is a matter of clarity and is important in establishing who has the right to be heard in the case. It may, at least implicitly, determine who has the right to give instructions in the case.

[6] Counsel for the Commission consents to the amendment. The Complainant has written a letter, in which she consents to the amendment on the basis of the Tribunal's assurance that "this in no way prejudices my case and that both responding parties Agriculture and Agri-Food Canada and Canadian Food Inspection Agency will continue to be parties to this action." I am not entirely sure what this statement means.

[7] The Complainant is right in thinking that I cannot see any prejudice to the Complainant in permitting the amendment. As I understand it, the issues before the Tribunal will remain as they were before the amendment. Indeed, the prejudice lies on the other side of the application, since the Complainant will not be able to recover damages from Agriculture and Agri-Food Canada.

[8] I am nevertheless obliged to state that the Tribunal is not in the business of providing the Complainant with guarantees. Dr. Reid bears full responsibility for any decisions that she makes regarding her case. She cannot escape that responsibility by placing conditions on her consent. Nor can she transfer that responsibility to anyone else, whether it is the Tribunal, its officers, or the other parties in the case.

[9] The request for an amendment is not contentious. Dr. Reid has had ample opportunity to seek legal advice and respond to the application. In the circumstances, I am prepared to grant the request, with or without the consent of the Complainant. The style of cause will accordingly be changed to:

*Stephanie Reid v. Attorney General of Canada (representing the Department of Agriculture and Agri-Food Canada) and Canadian Food Inspection Agency*

[10] I should add that Dr. Reid seems to be upset that the issue was raised during the conference call. Rather than go into the details of the matter, I would simply remind her that the Tribunal has the responsibility for managing the inquiry. This is a necessary feature of litigation. It is the adjudicator, not the parties, who controls the process. The parties are entitled to address any issue that concerns them. It is the Tribunal, however, that ultimately decides what matters will be dealt with in the course of a case conference. All of the parties are required to respect its decisions in this regard.

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*Signed by* \_\_\_\_\_  
Dr. Paul Groarke

OTTAWA, Ontario  
December 23, 2004

#### PARTIES OF RECORD

|                 |  |
|-----------------|--|
| TRIBUNAL FILE:  | T921/4104  |
| STYLE OF CAUSE: | Stephanie Reid v. Agriculture and Agri-food Canada and Canadian Food Inspection Agency |
| DATE OF THE     | December 1, 2004   |

TELECONFERENCE:

RULING OF THE TRIBUNAL  
DATED:

December 23, 2004

APPEARANCES:

Stephanie Reid

On her own behalf

Pam MacEachern

On behalf of the Canadian Human Rights  
Commission

Catherine A. Lawrence

On behalf of the Respondents