



HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

The Regional Municipality of Waterloo Police Services Board

Applicant

-and-

Kelly Donovan

Respondent

-and-

Waterloo Regional Police Association

Intervenor

-and-

A N D B E T W E E N:

Kelly Donovan

Applicant

-and-

**The Regional Municipality of Waterloo Police Services Board
and Bryan Larkin**

Respondents

-and-

Waterloo Regional Police Association

Intervenor

CASE ASSESSMENT DIRECTION

Adjudicator: Kelly Barker

Date: November 19, 2025

File Numbers: 2018-33237-S; 2018-33503-S

[1] The purpose of this Case Assessment Direction (“CAD”) is to arrange for next steps with the parties. The Tribunal does not intend to schedule a CMCC or a further preliminary or summary hearing through videoconference at this time. The Tribunal intends to proceed to a final hearing. This CAD requests from the parties confirmation as to what preliminary issues require an Interim Decision before the scheduling of a final hearing.

[2] These are contravention of settlement (“COS”) Applications pursuant to section 45.9 of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”) that are being processed and heard together.

[3] Pursuant to Interim Decision, 2022 HRTO 1409, dated November 25, 2022, the Tribunal ordered the following:

- a. Ms. Donovan’s request to amend her Application to add an allegation of contravention of settlement when the Police Board appealed a WSIB decision regarding her entitlement to benefits is granted.
- b. Ms. Donovan’s request to amend her Application to include allegations of misfeasance in public office and negligence is not permitted.
- c. Ms. Donovan’s allegation of contravention of settlement that occurred on December 21, 2017 when Larkin’s affidavit was filed in court as part of its defence of a proposed class action lawsuit is dismissed as untimely.
- d. Within 30 days, Ms. Donovan must file an amended Schedule A to her COS Application, in accordance with paragraphs (a), (b) and (c) above.
- e. Within 60 days, the Police Board and Larkin must file a Response (Form 19) to Ms. Donovan’s amended COS Application.
- f. If the Police Board intends to file a Request to Amend its COS Application, it must file a Form 10, Request for Order during Proceedings (“RFOP”) within 30 days. The applicant will be entitled to file a Response to any RFOP in accordance with Rule 19 of the Tribunal’s Rules.
- g. Ms. Donovan’s request for production is deferred.
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- h. The Tribunal will provide directions regarding next steps after it reviews materials submitted in accordance with paragraphs (d), (e) and (f) of this Order

[4] The Tribunal is aware that this Interim Decision was the subject of both a Reconsideration Decision and a Judicial Review, both of which upheld the Interim Decision.

[5] Following the Interim Decision, it appears from a review of the file that the following has been filed by the parties:

- On December 23, 2022, the police service filed a Form 10 Request for Order During Proceedings (RFOP) to amend their Application to add new allegations (as to allegations that had allegedly occurred after the initial Application).
- On December 23, 2022, Ms. Donovan filed an amended Schedule A to her COS Application as directed in the Interim Decision.
- On January 12, 2023, Ms. Donovan filed her Form 11 Response to the respondent's request to amend, opposing the RFOP.
- On January 13, 2023, the police service filed another Form 10 Request for Order During Proceedings (RFOP) to amend their Application to add new allegations (as to allegations that had allegedly occurred after the December 23, 2022 RFOP).
- On April 11, 2023, Ms. Donovan filed a response Form 11 Response to the respondent's request to amend, opposing the RFOP.

[6] The Tribunal is aware that there are requests by the parties to preliminarily dismiss allegations. Subject to submissions, the Tribunal intends to hold one hearing for a final determination of all the issues, following an Interim Decision in writing to decide the existing RFOP submissions as to amendments.

[7] Within 14 days of receipt of this CAD, if any party wishes to provide any correction or addition to the list of outstanding issues, the party should provide submissions, no longer than 5 typed pages, to the Tribunal.

[8] Following the deadline set out, the Tribunal intends to issue an Interim Decision as to the two RFOPs and provide instructions as to the filing of materials prior to the scheduling of a hearing.

Dated at Toronto, this 19th day of November, 2025.

A handwritten signature in black ink, appearing to read 'KBarker', written over a horizontal line.

Kelly Barker
Member