



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 B E T W E E N:

Kelly Donovan

Applicant

-and-

The Regional Municipality of Waterloo Police Services Board

Respondents

-and-

Waterloo Regional Police Association

Intervenor

CASE ASSESSMENT DIRECTION

Adjudicator: Kelly Barker

Date: January 15, 2026

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

DIRECTIONS FOR COS HEARINGS

[1] This Case Assessment Direction (“CAD”) is issued pursuant to Rules A4.2, 1.7, and 18 of the Tribunal’s Rules of Procedure (“Rules”) and addresses a number of matters that will facilitate the fair, just and expeditious resolution of the applications by the Tribunal.

[2] The applications have reached the hearing stage. Once the following directions have been complied with, a member will review the materials provided by the parties and determine the appropriate next steps.

[3] This may be a hearing, further directions, or some other procedural step.

[4] No requests for orders filed by the parties will be dealt with until after the directions in this CAD have been complied with.

[5] As with every application, the Tribunal strongly encourages the parties to engage in good faith settlement discussions amongst themselves.

[6] The Waterloo Regional Police Association (WRPA) has requested to participate as an intervenor in the applications.

[7] The intervenor is advised that with the exception of the Case Summary described in paragraphs below, it is required to comply with all of the directions to the parties set out below in this CAD. The Tribunal will review the materials provided by the intervenor and will determine the scope of its participation in the hearing of the Application.

DOCUMENT DISCLOSURE

[8] Within 35 days of the date of this CAD, each party is required to deliver to the other parties a list of all arguably relevant documents in their possession. Where a privilege is claimed over any document the party must describe the nature of the document and the reason for making the claim. A copy of each document contained on the list, excluding

any documents for which privilege is claimed, must also be delivered to the other party. Any document previously submitted should be resubmitted.

[9] Within 56 days of the date of this CAD, each party must deliver to the other parties and file with the Tribunal a list of documents upon which the party intends to rely and a copy of each document on the list. Any previously filed document should be refiled.

[10] No party may rely on or present any document not included on a document list and provided to the other parties and filed with the Tribunal, except with the permission of the Tribunal.

WITNESSES AND WITNESS STATEMENTS/EXPERT REPORTS

[11] The Witness List and Witness Statement Directions as set out below should be separated with the two COS applications. For example, if a person is a witness for both applications, there should be two witness statements filed by that individual, individually labelled with the respective file number.

[12] Within 56 days of the date of this CAD, each party must deliver witness lists to the other parties and file it with the Tribunal. The witness list must include the name of every witness, including expert witnesses, the party intends to present to the Tribunal. A copy of an expert witness's written report and curriculum vitae must accompany the witness list.

[13] Within 56 days of the date of this CAD, each party must also deliver to the other parties and file with the Tribunal in respect of each non-expert witness on its witness list a detailed witness statement setting out the witness's evidence. This must include a witness statement for every party intending to give evidence, including the applicant.

[14] No party may present a witness whose name was not disclosed in a witness list and whose witness statement or expert report was not provided to the other parties and

filed with the Tribunal, except with the permission of the Tribunal. This includes the applicant themselves.

[15] It is the Tribunal's intention that each witness's witness statement or expert report, as the case may be, will be adopted under oath by the witness instead of providing oral evidence-in-chief. The witness will then be cross-examined under oath on their witness statement or expert report by the party opposite. For this reason, each witness statement and expert report (if any) must set out in detail all of the evidence of the witness and reference all documents the witness intends to rely on.

CASE SUMMARIES

[16] It is the intent that for the one hearing, each party file a separate case summary for each COS Application.

[17] Within 56 days of the date of this CAD, each party is required to deliver to the other parties and file with the Tribunal a Case Summary. The Case Summary shall not exceed eight pages and shall include:

- a. A brief summary of every issue to be determined at the hearing.
- b. A brief summary of any outstanding procedural or jurisdictional issue or any outstanding request not covered in "a" above.

[18] The Case Summary is not intended to be exhaustive as to every detail of the events which took place but must address every procedural and substantive issue being raised by the party. If an issue, procedural or otherwise, has already been raised with the Tribunal but the Tribunal has not yet issued a ruling on that issue it must be included in the Case Summary.

DIRECTIONS

[19] Within 35 days of the date of this CAD, each party shall deliver to the other parties a list of and copies of their arguably relevant documents. Any document previously exchanged or filed should be exchanged again and re-filed.

[20] Within 56 days of the date of this CAD, each party shall deliver to the other parties and file with the Tribunal:

- a. A list of and copies of all documents they intend to rely on;
- b. Their witness list, including expert witnesses. If a party intends to call an expert witness, the expert's curriculum vitae and expert report must be provided with the witness list;
- c. Their witness statements; and
- d. Their Case Summary.

[21] If Ms. Donovan does not file the information described above by the deadline(s) noted, the Tribunal may deem them to have abandoned the Application filed by Ms. Donovan and dismiss the Application in writing for that reason, without further notice to the parties. Or, in reference to the police services application, if Ms. Donovan does not file the information described above by the deadline(s) noted, the Tribunal may deem Ms. Donovan to have accepted all the allegations in the Application, deem Ms. Donovan to have waived all rights with respect to further notice or participation in the proceeding, proceed to deal with the Application without further notice to them, and/or decide the matter based only on the material before the Tribunal.

[22] If the police service does not file the information described above by the deadline(s) noted, the Tribunal may deem them to have abandoned the Application filed by the police service and dismiss the Application in writing for that reason, without further notice to the parties. Or, in reference to the application filed by Ms. Donovan, if the police service does not file the information described above by the deadline(s) noted, the Tribunal may deem the police service to have accepted all the allegations in the Application, deem the police service to have waived all rights with respect to further notice or participation in the proceeding, proceed to deal with the Application without further notice to them, and/or decide the matter based only on the material before the Tribunal.

[23] If the intervenor does not file the information described above by the deadline(s) noted, the Tribunal may deem it to have waived all rights with respect to further notice or participation in the proceeding.

[24] Absent exceptional circumstances, the above materials shall be sent to the Tribunal in one (1) email or other authorized filing method.

[25] In the event the directions or dates herein conflict with those set out in the Tribunal's Rules or Practice Directions, the Tribunal hereby varies or waives those Rules and/or Practice Directions in accordance with Rules A4.2 and 1.7.

[26] Finally, the parties are directed to not file any further submissions or information with the Tribunal after the deadlines noted above, unless and until instructed otherwise by the Tribunal.

Dated at Toronto, this 15th day of January, 2026.

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

Kelly Barker
Member