



Social Justice Tribunals Ontario

Providing fair and accessible justice

Human Rights Tribunal of Ontario

655 Bay Street, 14th Floor
Toronto ON M7A 2A3
Tel: 416-326-1312 or 1-866-598-0322
Fax: 416-326-2199 or 1-866-355-6099
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Website: sjo.ca/hrto

Tribunaux de justice sociale Ontario

Pour une justice accessible et équitable

Tribunal des droits de la personne de l'Ontario

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Toronto ON M7A 2A3
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Courriel: hrto.registrar@ontario.ca
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**NOTICE OF HEARING
CONTRAVENTION OF SETTLEMENT**

HRTO FILE: 2018-33237-S

August 3, 2018

Filion Wakely Thorup Angeletti LLP
c/o Donald Jarvis
333 Bay Street, Suite 2500
Toronto, Ontario M5H 2R2
Via Mail & Email: djarvis@filion.on.ca

Kelly Donovan
11 Daniel Place
Brantford, Ontario N3R 1K6
Via Mail & Email: kelly@fit4duty.ca

Waterloo Regional Police Association
c/o Caroline V. (Nini) Jones
155 Wellington St 35th Floor
Toronto, Ontario M5V 3H1
Via Mail & Email: nini.jones@paliareroland.com

**Re: The Regional Municipality of Waterloo Police Services Board v.
Kelly Donovan**

Child and Family Services Review Board
Custody Review Board
Human Rights Tribunal of Ontario
Landlord and Tenant Board Ontario
Special Education (*English*) Tribunal Ontario
Special Education (*French*) Tribunal Ontario
Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille
Commission de révision des placements sous garde
Tribunal des droits de la personne de l'Ontario
Commission de la location immobilière
Tribunal de l'enfance en difficulté de l'Ontario (*anglais*)
Tribunal de l'enfance en difficulté de l'Ontario (*français*)
Tribunal de l'aide sociale

A hearing before the Human Rights Tribunal of Ontario has been scheduled for:

Date: **February 22, 2019**

Time: **10:00 a.m. to 5:00 p.m., E.S.T.**

Location: **Mohawk Residence & Conference Centre, 245 Fennell Avenue West,
Hamilton, Ontario, Meeting Room 1**

The hearing will deal with the issues identified in the Contravention of Settlement Application and in any Response to the Contravention of Settlement Application, and is being held under s. 45.9 of the *Human Rights Code*, R.S.O. 1990, c. H.19.

By no later than **January 25, 2019**, the parties shall serve on each other and file with the Tribunal:

- A list of all documents upon which they intend to rely for the hearing and a copy of each document on the list; and
- A list of any witnesses they intend to call to give evidence at the hearing, together with a brief statement of each witness' expected evidence.

IMPORTANT INFORMATION

Please read this entire notice right away. It explains what you must do before the hearing. It also explains what you must do within the next 14 days if you need to reschedule the hearing. The HRTO's disclosure rules (Rules 16 and 17 of the Rules of Procedure) do not apply to this hearing.

For more information or explanations of legal terms, see the HRTO's Rules of Procedure (Rule 24) available on the HRTO's website at sjto.ca/hrto or from the Registrar's Office.

RESCHEDULING AND ADJOURNMENTS

If you cannot attend the hearing on the date(s) scheduled, you must act within 14 days of the date of this Notice to request to reschedule. After that, a hearing will be adjourned or rescheduled only in exceptional circumstances, even if both parties agree to an adjournment. Retaining a new representative who is not available or prepared to proceed on the scheduled date is normally not considered an exceptional circumstance.

To reschedule the hearing you must take the following steps:

1. Contact the other party(ies) and create a list of 3-5 dates where everyone is available to participate in a rescheduled hearing. The 3-5 dates **MUST** fall within 8 weeks of the original hearing date.

NOTE – The HRTO does NOT schedule hearings on Mondays. The 3 -5 dates provided must fall on Tuesdays, Wednesdays, Thursdays and Fridays.

2. Provide these-agreed upon 3-5 dates to the HRTO by **August 17, 2018.**

Note – Do not copy the HRTO on your discussions with other parties about date selection. This correspondence will not be retained as part of your case file. Please ONLY submit the final list of 3-5 agreed-upon dates for rescheduling the hearing.

3. If the other party(ies) refuses to provide dates and/or doesn't respond to you, provide a list of 3-5 dates within 8 weeks of the original hearing date, on which *you* are available to the HRTO by **August 17, 2018.**

4. Always copy the other party(ies) on all correspondence sent to the HRTO (or file a Statement of Delivery/Form 23 if correspondence is sent by fax or mail).

The HRTO will try to reschedule the hearing on one of the dates you provided, subject to the availability of the HRTO's venues and its adjudicators.

If the parties do not respond as directed or are unable to agree on alternate dates for rescheduling, in accordance with the HRTO's practice direction, the HRTO may select the date for the rescheduled hearing without the agreement of the parties.

Requests for rescheduling and adjournment will be dealt with in accordance with the Practice Direction on Scheduling located on the HRTO's website at www.sjto.gov.on.ca/hrto/rules-and-practice-directions/.

CONTACT INFORMATION

The HRTO will send information to the address you have provided to us. If your contact information changes, you must immediately advise the HRTO and the other parties. We may send you directions before the hearing that require you to take action, so be sure to check your e-mail and mail regularly. If an applicant fails to respond, the Application may be dismissed. If a respondent fails to respond, they may lose the ability to present a defence.

FAILURE TO ATTEND THE HEARING

If you do not attend the hearing after receiving proper notice, the HRTO may proceed in your absence (if you are a respondent or intervener) or dismiss the Application as abandoned (if you are the applicant).

FILING DOCUMENTS WITH THE HRTO

The HRTO's computer system requires that documents filed with the HRTO as email attachments must be less than 10 mb. in any one email. See Rule 1.17(c) of the HRTO's Rules of Procedure.

At least one paper copy and an electronic copy of each document must be provided to the HRTO. If the paper copy is bound and you do not provide an electronic copy, then you must provide a second unbound paper copy. See Rule 1.19.1.

All written communications must be addressed to the Registrar. Any document, including emails, **must** be copied to the other parties before being filed with the HRTO. The HRTO cannot accept any materials unless you confirm that they have been copied to the other parties. See Rules 1.12 and 1.20.

ACCOMMODATION

You, your representative and your witnesses are entitled to accommodation of any *Human Rights Code*-related needs. The SJTO/HRTO's Accessibility and Accommodation Policy is available at <http://www.sjto.gov.on.ca/hrto/accessibility-and-accommodations/>. Notify the Registrar as soon as possible if accommodation is required.

FRAGRANCE POLICY

As fragrances cause health problems for some individuals, the HRTO asks people not to use scented products such as perfumes, after-shave, creams or hair-care products when attending in-person hearings and mediations and coming to its offices..

FORMS, RULES, GUIDES, POLICIES AND PRACTICE DIRECTIONS

The HRTO's Forms, Rules of Procedure, Guides, Policies and Practice Directions are available on our website at sjto.ca/hrto. To request a copy of these documents, you can also contact the HRTO by e-mail (hrto.registrar@ontario.ca), by phone (toll-free at 1-866-598-0322 or in Toronto at 416-326-1312; TTY toll-free at 1-866-607-1240 or TTY Toronto 416-326-2027) or in person at 655 Bay Street, 14th Floor, Toronto, Ontario. These documents are available in a variety of accessible formats.

THE HUMAN RIGHTS LEGAL SUPPORT CENTRE

The Human Rights Legal Support Centre (HRLSC) is a separate organization that provides free legal assistance to people who believe they have experienced discrimination under the Ontario *Human Rights Code*.

If you are the applicant and do not already have a representative, you may want to contact the HRLSC to discuss your Application. Depending on the situation, they may provide advice or agree to represent you at the hearing.

You must contact the HRLSC quickly. The HRTO will not reschedule a hearing because a party has retained a new representative.

You can contact the HRLSC Monday, Tuesday, Wednesday and Friday from 9 am to 5 pm, Thursday from 2 pm to 6 pm at:

Tel: 416-597-4900

Toll Free: 1-866-625-5179

TTY: 416-314-6651

TTY Toll Free: 1-866-612-8627

Website: www.hrlsc.on.ca