



At any time after an Application has been filed with the Tribunal, a party may make a Request for an Order during a proceeding by completing this form (Form 10). This form is used for multiple reasons (see list in section 2 on next page).

The Tribunal will determine whether a Request for an Order will be heard in writing or electronically and, where necessary, will set a date for the hearing of the Request. This Request may be heard on the basis of Form 10 alone.

Follow these steps to make your request:

1. Fill out this form.
2. All documents you are relying on must be included with this form.
3. Deliver a copy of this form to all parties and any person or organization who has an interest in this Request.
4. If this is a Request for an Order requiring a non-party to provide a report, statement or oral or affidavit evidence in accordance with Rule 1.7 (q), this Form 10 must be delivered to the non-party in addition to the other parties in the proceeding.
5. Complete a Statement of Delivery (Form 23).
6. File the Form 10 and Form 23 with the Tribunal.

Information for all parties and any person or organization who receives a copy of this Request

You may respond to this Request for an Order by completing a Response to a Request for an Order During Proceedings (Form 11).

Download forms from the Tribunal's web site tribunalsontario.ca/hrto. If you need an accessible format, contact us:

Human Rights Tribunal of Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

Phone: 416-326-1312 Toll-free: 1-866-598-0322

TTY: Call the Bell Relay Service at 1-800-855-0511

Email: hrto.registrar@ontario.ca

**Application Information**

Tribunal File Number:	2018-33503-S
Name of Applicant:	Kelly Donovan
Name of Each Respondent:	The Regional Municipality of Waterloo Police Services Board ("Board") and Bryan Larkin ("Larkin")

1. Your contact information (person or organization making this Request)

First Name Stuart	Last (or Family) Name Zacharias	Organization (if applicable) Lerners LLP
Street Number 225	Street Name King Street West	Apt/Suite 1600
City/Town Toronto	Province ON	Postal Code M5V 3M2
Email szacharias@lerners.ca	Phone 416-601-2648	Other

If you are filing this as the Representative (e.g. lawyer) of one of the parties please indicate:

Name of party you act for and are filing this on behalf of: Board and Larkin	LSO No. (if applicable) 51652R
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What is the best way to send information to you? ☒ Email ☐ Mail

If you check email, you are consenting to the delivery of documents by email.

Check off whether you are (or are filing on behalf of) the:

- ☐ Applicant ☒ Respondent ☐ Ontario Human Rights Commission
☐ Other - describe: _____

2. Please check the item you are requesting:

- | | |
|---|---|
| <input type="checkbox"/> Request to consolidate or have applications heard together | <input type="checkbox"/> Request extension of time |
| <input type="checkbox"/> Request to add a party | <input type="checkbox"/> Request to reschedule |
| <input type="checkbox"/> Request to amend Application or Response | <input type="checkbox"/> Request for production of documents |
| <input type="checkbox"/> Request to defer Application | <input type="checkbox"/> Request for an exemption from mandatory mediation |
| <input type="checkbox"/> Request to adjourn | <input checked="" type="checkbox"/> Other, please explain:
Removal of Larkin as an individual respondent |
| <input type="checkbox"/> Request to re-activate deferred Application | |

3. Please describe the order requested in detail.

That Larkin be removed as an individual respondent.

4. What are the reasons for the Request, including any facts relied on and submissions in support of the Request?

See Schedule "A" attached.

5. Do the other parties consent to your Request?

☐ Yes ☐ No ☒ Don't know

6. If you are requesting production of a Document(s), please explain if you have already requested the document and any response you have received. You must attach a copy of your written Request for the Document(s) and the Responding Party's Response, if any.

N/A

7. If you are relying on any documents in this Request, please list below and attach. You must include all the documents you are relying on.

N/A

8. Signature

By signing my name, I declare that, to the best of my knowledge, the information that is found in this form is complete and accurate.

Name:

Stuart Zacharias

Signature:

Date: (dd/mm/yyyy)

23/01/2026

☒ Please check this box if you are filing your request electronically. This represents your signature. You must fill in the date, above.

Collection of Information:

The Human Rights Tribunal of Ontario (HRTO) has the right under the *Human Rights Code* and the *Statutory Powers Procedure Act* to collect the information requested on this form to fulfill its legislative mandate. After you file the form, all information related to the proceeding may become publicly available in a tribunal decision, order, or other document, in accordance with Tribunals Ontario's *Access to Records Policy* and the *Tribunal Adjudicative Records Act, 2019*. Parties wanting records or information to remain confidential must seek a confidentiality order from an adjudicator. If you have questions about confidentiality orders or access to records, please contact us by email at HRTO.registrar@ontario.ca or at 416-326-1312 or 1-866-598-0322 (toll-free).

Schedule “A” to Form 10 (RFOP)

Ms. Donovan’s allegation of contravention of settlement occurring on December 21, 2017, when the individual respondent Larkin’s affidavit was filed in court, was previously dismissed as untimely: *The Regional Municipality of Waterloo Police Services Board v. Donovan*, [2022 HRTO 1409](#), [para. 63\(c\)](#). Ms. Donovan’s request for reconsideration was denied: *Regional Municipality of Waterloo Police Services Board v. Donovan*, [2023 HRTO 276](#).

There is only one remaining allegation of contravention in Ms. Donovan’s application: that the June 8, 2017 Resignation Agreement (the “Agreement”) was breached in January 2018 when “the respondent Board submitted an appeal” of her WSIB claim (paragraph 35 of Ms. Donovan’s amended Schedule “A” filed on December 23, 2022).

The Board’s position, in accordance with the Tribunal’s [Practice Direction on Naming Respondents](#), is that the inclusion of Larkin as an individual respondent unnecessarily complicates this matter. The prior allegation related to his affidavit was dismissed, and there is no need for him to be involved personally in regard to an allegation about an appeal filed by “the respondent Board”. There is no suggestion of separate conduct by Larkin personally, nor that he had any involvement outside the scope of his employment and duties as the Chief of Police at the relevant time. There is no issue as to the organizational respondent’s vicarious liability for the actions of Larkin, or regarding its ability to respond to or remedy the alleged contravention.

Accordingly, Larkin should be removed pursuant to Rule 1.7(b), leaving the Board as the appropriate organizational respondent. This is consistent with numerous recent decisions of the Tribunal removing individual respondents in circumstances of this nature.¹

¹ *Drouillard v. Greater Essex County District School Board*, [2025 HRTO 171](#); *Tabacoff-Martino v. Ialife Corp.*, [2025 HRTO 375](#); *Hanchuck v. Thunder Bay (Police Service Board)*, [2025 HRTO 1483](#); *Grant-Bobb v. London Catholic District School Board*, [2025 HRTO 1756](#)