



Tribunals Ontario

Human Rights Tribunal of Ontario

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Tribunaux décisionnels Ontario

Tribunal des droits de la personne de l'Ontario

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AMENDED NOTICE OF VIDEOCONFERENCE PRELIMINARY HEARING (Change to applicant's email address)

**HRTO FILE: 2018-33237-S
2018-33503-S**

August 8, 2022

Kelly Donovan
Via email: donovandih@gmail.com

Filion Wakely Thorup Angeletti LLP
c/o Donald Jarvis
Via email: djarvis@filion.on.ca

Waterloo Regional Police Association
Caroline V. (Nini) Jones
Jones Pearce LLP
Via email: nini.jones@jonespearce.com

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

Kelly Donovan v. Waterloo Police Services Board

A preliminary hearing has been scheduled before the Human Rights Tribunal of Ontario (HRTO) for this Application via Zoom videoconference. The hearing has been scheduled for:

Date: **September 8, 2022**

Time: **9:30 a.m. E.T. until 5:00 p.m.**

Please connect to the videoconference hearing using the Zoom link provided by the HRTO. If you experience technical difficulties connecting to Zoom the day of the hearing or the conference call, please e-mail the Registrar immediately at hrto.registrar@ontario.ca.

The preliminary hearing will deal with the issues identified in the Case Assessment Direction of May 25, 2022, and is being held under the *Human Rights Code*, R.S.O. 1990, c. H.19.

Timelines for delivery and filing of any documents, witness lists or witness statements, and submissions are set out in the Case Assessment Direction.

IMPORTANT INFORMATION

Please read this entire Notice right away as it contains important information. It also explains what you must do within the next 14 days if you need to reschedule the hearing.

RESCHEDULING

If you cannot attend the hearing on the date scheduled, you must contact the HRTO within 14 days of the date of the Notice to arrange for rescheduling. After the 14-day period, the hearing will be rescheduled only in exceptional circumstances and upon approval by an adjudicator, even if both parties agree to reschedule.

If you need to reschedule within the 14-day period, contact the other parties immediately. Rescheduling requests will only be considered if:

1. The request is submitted in writing.
2. All parties are copied in accordance with Rule 1.12 and 1.20; and
3. 3 – 5 mutually agreeable dates are provided that are within 60 days of the originally scheduled date.

All three criteria listed above must be met for the HRTO to consider a rescheduling request. Otherwise, the hearing will proceed as scheduled. The dates provided by the parties are subject to the HRTO's availability. If the agreed dates are unavailable, the hearing will be scheduled for the next available date.

Please be advised that hearings will only be rescheduled outside the 14-day period in exceptional circumstances, even if all parties agree. Retaining a new representative who is not available or prepared to proceed on the scheduled date may not be considered an exceptional circumstance.

Requests for rescheduling will be dealt with in accordance with the [Practice Direction on Scheduling of Hearings and Mediations, Rescheduling Requests, and Requests for Adjournment](#).

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 intervenor) or dismiss the Application as abandoned (if you are the applicant).

ACCOMMODATION REQUESTS

The HRTO conducts all hearings by teleconference and/or videoconference. Accommodation requests will be considered when a request for a format change has been made. You must notify the Registrar as soon possible if you require accommodation.

Please refer to the Practice Direction of Hearing Formats.

<https://tribunalsontario.ca/documents/TO/Practice-Direction-on-Hearing-Formats-EN.html>

You are requested to make all your Accommodation request(s) in accordance with the Accommodation Policy. Please review the link to the Accommodation Policy

<https://tribunalsontario.ca/en/accessibility-and-diversity/>

SETTLEMENT BY THE PARTIES

The HRTO encourages parties to have settlement discussions between themselves. These discussions and any related correspondence are confidential between the parties and should not be shared with the HRTO.

If the parties have reached an agreement before the hearing, the hearing will not be cancelled until a complete and signed [Confirmation of Settlement \(Form 25\)](#) is filed with the HRTO. Minutes of Settlement should not be filed with the HRTO.

FILING DOCUMENTS WITH THE HRTO

Please note that the HRTO has moved to a digital-first approach to service delivery. The HRTO's primary method of communication is email. Parties may file their correspondence and documents with the HRTO via email in care of HRTO.Registrar@ontario.ca. Please include the HRTO file number in the subject line of your email. Where an email address has been provided, parties are responsible for responding to and retaining any email correspondence and attachments sent to them by the HRTO.

Parties may use the following process to file their evidence and documents with the HRTO:

- 1) Files emailed to the HRTO should not exceed 30 megabytes;
- 2) Files larger than 30 megabytes should be broken into smaller attachments and emailed to the HRTO as separate attachments, if possible;
- 3) A party who is unable to send their evidence to the HRTO by email due to the size of the file may ask the HRTO for permission to provide the evidence using the Ontario Government Attachment Service (EATS). The party should email the request to the HRTO email address identified in this Notice. If the request is granted, the party will receive an email from the HRTO with instructions on how to send the file to the HRTO using EATS;
- 4) Files emailed to the HRTO must be in one of the following formats: PDF, Word, Excel, JPG, MP3, MP4, or MOV;
- 5) If the HRTO is unable to open an email attachment, you may be advised that it cannot be accepted in the particular format.
- 6) If a party is unable to email their evidence to the HRTO or use EATS, they may mail the evidence to the HRTO. If the evidence can be made available in paper copy, such as documents or printed photos, the party may mail or courier the paper copy to the HRTO. Electronic evidence contained on a USB stick or CD Rom/DVD must be in one of the formats set out above. The USB stick or CD-Rom/DVD must be clearly labelled with the HRTO file number and style of cause.
- 7) Parties should ensure that their evidence is numbered and organized so that it is easy to refer to in the mediation.

The parties are responsible for delivering all written communications and documents filed with the HRTO to all of the other parties. The HRTO cannot accept any documents unless you confirm that they have been shared with the other parties to the Application or seek Accommodation. See Rules 1.12 and 1.20 of the HRTO's Rules of Procedure.

You must confirm delivery of your documents to the other parties either by copy the parties on your email to the HRTO, or by filing a Statement of Delivery (Form 23). See Rule 1.23.

If the HRTO is unable to open an email attachment, you may be advised that it cannot be accepted in the particular format.

Further to the HRTO's digital-first approach to service delivery, it is preferred that all documents are filed with the HRTO by email only. If any document exceeds 20 pages, please include an index. If you are filing your documents in paper format, for scanning purposes, please ensure that your documents are not bound.

VIDEOCONFERENCE

Tribunals Ontario is holding hearings using Zoom where feasible and procedurally appropriate. Tribunals Ontario Guide to Videoconferencing Proceedings and Zoom is available at: <https://tribunalsontario.ca/en/videoconferencing/>.

Practice Directions on Hearing Formats During the COVID-19 Pandemic is available at: <https://tribunalsontario.ca/hrto/rules-and-practice-directions/>.

DISCLAIMER

Please note that, by clicking on the Zoom link, personal information such as your name, email address and IP address may be collected, stored, used and disclosed by Microsoft in accordance with its [Privacy Policy and the Canadian Personal Information Protection and Electronic Documents Act](#). Please refer to [Microsoft's Privacy Policy](#) for more information.

CONTACT INFORMATION

The HRTO will send information to you using the contact information you have provided to us. If any of your contact information changes, you must advise the HRTO **immediately**. Once your Application has been shared with the other parties you must also copy them on any changes to your contact information. We may send you directions throughout the Application process and before a mediation that require you to take action quickly, so be sure to check your email and mail regularly. If an applicant fails to respond to the HRTO's directions, the Application could be dismissed. If a respondent fails to respond to the HRTO's directions, they may lose the ability to present a defence in the proceedings and/or at the hearing.

RESOURCES

The HRTO's Forms, Rules of Procedure, Guides, Practice Directions and Policies are available on our website, www.tribunalsontario.ca/hrto. These materials are all available in a variety of accessible formats. To request a copy of these documents or if you have any questions about the status of your Application, you can contact HRTO by email at hrto.registrar@ontario.ca, by phone at 416-326-1312 or toll free 1-866-598-0322, TTY 416-326-2027 or TTY toll free 1-866-607-1240.

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