HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

Farid Asey

Applicant

-and-

The Association of Justice Counsel

Respondent

RECONSIDERATION DECISION

Adjudicator:	Sally Ashton
Date:	March 3, 2026
File Number:	2025-63100-I
Citation:	2026 HRTO 367
Indexed as:	**Asey v. The Association of Justice Counsel**

WRITTEN SUBMISSIONS

Farid Asey, Applicant	)	Self-represented
The Association of Justice Counsel, Respondent	)	Veronica Blanco Sanchez, Counsel

[1] This Application was deferred by decision indexed as 2026 HRTO 94 (the "Decision"), pending the outcome of grievance proceedings whose underlying facts and issues substantially overlapped with the issues raised in the Application.

[2] The applicant has filed a Request for Reconsideration of the Decision (the "Request") pursuant to Rule 26 of the Tribunal's Rule of Procedure. The applicant's union and the respondent have both filed responses to the Request.

[3] For the reasons that follow, I decline to exercise my discretion to grant reconsideration.

[4] Under Rule 26.1, a party may only request a Reconsideration of a "final" decision. Though an interim decision may be "final" where it disposes of some or all of the central issues in an application (see *Sigrist and Carson v. London District Catholic School Board*, 2008 HRTO 34), a decision to defer under s. 45 of the *Code* does not dispose of any issues in an application at all. Rather, it simply means that the issues will not be addressed until the conclusion of some other proceeding. The applicant's Request may be denied on this basis alone.

[5] In addition, however, and at best, the applicant's submissions serve to simply appeal or re-argue his case. As noted by the Divisional Court in *Landau v. Ontario (Minister of Finance)*, 2012 ONSC 6926, at paragraph 17, "A reconsideration is not an appeal or a hearing *de novo*. More importantly perhaps, there is no right to have a decision reconsidered." The Tribunal has found many times (such as in *Sigrist and Carson v. London District Catholic School Board et al.*, 2008 HRTO 34) that reconsideration is a discretionary remedy, and that there is no right to have a decision reconsidered by the Tribunal even if the criteria in Rule 26 are met.

[6] The applicant's Request is lengthy, repetitive and, overall, difficult to penetrate. I share the concerns of the respondent that the submissions and the cases relied upon in support of the applicant's arguments, appear to be the product of artificial intelligence. The applicant relies on dramatically incorrect articulations of the applicable Rules and

Practice Direction on Reconsiderations. Arguments are, as a result, beyond the appropriate scope of factors relevant to reconsiderations. Many cases cited seem to be either non-existent or, do not stand for the principles proposed. This is a troubling trend seen more and more frequently before this Tribunal. As I have stated in other cases, an applicant's reliance on manufactured and inapplicable cases does nothing to advance their own and, only serves to undermine their submissions overall.

[7] While I would deny the applicant's Request, I acknowledge that, under Rule 26.9, the Tribunal may reconsider any decision, even if not final, on its own initiative, where it considers it "advisable and appropriate" to do so. I do not see any reason to reconsider the Decision on this basis here.

[8] Of the applicant's various arguments, the most cogent and applicable is that the Application has been deferred to a "dead process." If this were true, it may well be "advisable and appropriate" to reconsider the Decision, particularly if there was new information about the status of the grievance not previously considered.

[9] The union and respondent employer both submit that the grievance remains active.

[10] The gist of the applicant's submissions is that there is no active or ongoing grievance process for the Tribunal to defer to – either because it administratively "died" when deadlines were missed seeking consent to an abeyance (which the respondent employer denies and counters), or because the grievance is now in abeyance while the applicant is on leave from his employment.

[11] There is no evidence before the Tribunal - at the time of the Decision or now - that the grievance has been terminated or otherwise dispensed with. It remains an "active" grievance, even if temporarily "on hold."

[12] There is nothing in the Decision that represents a "clear and surprising departure" from settled and established legal precedent with regard to deferral decisions. The cases

on which the applicant relies to suggest otherwise are distinguishable or, do not stand for the principles proposed at all.

[13] As example, the applicant relies on *Garcia v. Tri-Krete*, 2008 HRTO 288, to say that an application should only be deferred to an "actual proceeding" not to "a potential for a proceeding." That case involved distinctly different facts in that it refused to defer to a process that had not yet even been initiated. That is not the case here. Similarly, the applicant's reliance on *Beange V. T. Bell Transport*, 2020 HRTO 784, is completely erroneous. While the applicant suggests this case confirms the Tribunal should not defer where a "grievance process was stalled at an early stage," the Tribunal in that case ordered a deferral, on facts that do not actually involve a grievance, stalled or otherwise.

[14] The grievance here is being held in abeyance during the applicant's leave from work which began only very recently. There is no information before the Tribunal about the applicant's leave, or its likely duration, that would suggest that the abeyance is indefinitely in place. It is open to the applicant to seek to reactivate the Application when and if the grievance does conclude or, where circumstances suggest the grievance may not, in fact, be advanced in any reasonably foreseeable period of time. No evidence suggesting this possibility is currently before the Tribunal.

[15] I also note the applicant's allegations regarding what he characterizes as "procedural breaches and systemic unfairness" demonstrated by the Tribunal throughout these proceedings. I find these arguments unsupported and without sufficient merit to warrant a reconsideration of the Decision. None of the breaches he complains of would have had an impact on the Decision to defer in any event.

[16] Finally, I acknowledge the applicant is unrepresented, but he nonetheless has the responsibility to ensure the materials, submissions and cases he puts before the Tribunal and other parties are accurate. While Tribunal resources are unnecessarily expended to confirm the veracity of a party's submissions, others are deprived of those resources and their own timely access to justice. This is unacceptable. I refer to Tribunals Ontario's *Practice Direction on the Use of Artificial Intelligence (AI) in Tribunal Proceedings*. Parties

should be mindful of the risks associated with their use of AI, their responsibilities should they choose to use it, and the consequences to proceedings going forward.

[17] In the circumstances of this case, I do not find that it is either advisable or appropriate to reconsider the Decision to defer this Application pending the conclusion of the union grievance.

ORDER

[18] The Request for Reconsideration is denied, and the Application remains deferred pending the conclusion of the grievance filed September 29, 2025.

Dated at Toronto, this 3rd day of March, 2026.

"Signed by"

_____

Sally Ashton
Member