# HUMAN RIGHTS TRIBUNAL OF ONTARIO

**B E T W E E N:**

**Christine Walker**

**Applicant**

**-and-**

**Collingwood General and Marine Hospital, and Muneesh Jha**

**Respondents**

# RECONSIDERATION DECISION

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| **Adjudicator:** | Mary MacNeill |
| **Date:** | November 21, 2025 |
| **File Number:** | 2024-59355-I |
| **Citation:** | 2025 HRTO 2874 |
| **Indexed as:** | **Walker v. Collingwood General and Marine Hospital** |

**WRITTEN SUBMISSIONS**

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| Christine Walker, Applicant | ) | Self-represented |

## INTRODUCTION

[1] The applicant filed an Application on December 9, 2024, in which she alleged that the respondent discriminated against her in the area of goods, services, and facilities on the basis of disability and age, contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended ("the *Code*"). The Tribunal issued a decision dismissing the Application. See: 2025 HRTO 2679 (the "Decision"). The applicant brings a Request for Reconsideration ("Request") of the Decision.

## RECONSIDERATION REQUEST

[2] Under section 45.7 of the *Code*, the Tribunal may reconsider its decisions in accordance with the Tribunal's Rules of Procedure (the "Rules").

[3] Reconsideration requests are governed by Rule 26. In accordance with Rule 26.5, a Request for Reconsideration will not be granted unless the Tribunal is satisfied that:

> a. there are new facts or evidence that could potentially be determinative of the case and that could not reasonably have been obtained earlier; or
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> b. the party seeking reconsideration was entitled to but, through no fault of its own, did not receive notice of the proceeding or a hearing; or
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> c. the decision or order which is the subject of the reconsideration request is in conflict with established jurisprudence or Tribunal procedure and the proposed reconsideration involves a matter of general or public importance; or
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> d. other factors exist that, in the opinion of the Tribunal, outweigh the public interest in the finality of Tribunal decisions.

[4] The applicant has requested a Reconsideration of the Decision under Rules 26.5 (c) and 26.5 (d).

[5] The Tribunal's Practice Direction on Reconsideration adds clarity in that reconsideration is a discretionary remedy and that there is no right to have a decision

reconsidered by the Tribunal. Moreover, reconsideration is not an appeal or an opportunity for a party to change the way it presented its case.

[6] In applying the Rules and the Practice Direction on Reconsideration, the Tribunal has found many times, see: *Sigrist and Carson v. London District Catholic School Board et al.,* 2008 HRTO 34), that reconsideration is a discretionary remedy, that there is no right to have a decision reconsidered by the Tribunal even if the criteria in Rule 26 are met, and that reconsideration is not an appeal or an opportunity to re-argue the case.

[7] Further, a reconsideration is not an opportunity to repair deficiencies in the presentation of the case, or to have a hearing *de novo*. See: *Landau v. Ontario (Minister of Finance),* 2012 ONSC 6926, and *Paul James v. York University and Ontario Human Rights Tribunal,* 2015 ONSC 2234.

**ANALYSIS**

[8] The applicant seeks reconsideration based on Rule 26.5 (c) and (d). Specifically, the applicant requests reconsideration on the basis that there were errors of law and fact made regarding the Application, as well as procedural unfairness and a failure to review evidence that was submitted under Rule 13 and Rule 19A. The applicant submits the Tribunal's Decision was not in line with previous case law and it is a matter of public importance to advance. The applicant also submits that the Tribunal processes must accommodate their self represented status.

[9] Further, the applicant submits that the respondents engaged in dismissive and defamatory communication which were left unaddressed by the Tribunal, thus creating a hostile procedural environment, undermining the right to accessible, fair adjudication.

[10] In the Reconsideration request, the applicant relies on the previously submitted evidence and provides re-argument submissions consistent with the arguments in the original Application and Request for Submissions. The applicant submitted voluminous

materials with the Application all of which were considered by the Tribunal with respect to the Decision.

[11] To the extent that the applicant disagrees with any of the findings in the Decision, I rely upon the reasons contained in the Decision and will not repeat them.

**Rule 26.5 (c)**

[12] Rule 26.5 (c) states: The decision or order which is the subject of the reconsideration request is in conflict with established jurisprudence or Tribunal procedure and the proposed reconsideration involves a matter of general or public importance.

**a. Procedure**

[13] The applicant provides a number of submissions with respect to procedure. In essence the applicant disagrees with the Decision, and as such is submitting that the Decision was procedurally unfair and disregarded evidence submitted contrary to Rule 13 and Rule 19A. The applicant also submits that their self represented status must be accommodated. Further the applicant submits that the respondents engaged in dismissive and defamatory communication which was left unaddressed by the Tribunal, thus creating a hostile procedural environment, undermining the right to accessible, fair adjudication.

[14] Rule 13 of the Tribunal's Rules of Procedure ("Rules") speaks to dismissals of Applications outside of the Tribunal's jurisdiction. It addresses the notice procedures required to be provided by the Tribunal to the parties, which were followed. The Tribunal sent the applicant the Request for Additional Submissions setting out the Tribunal's jurisdictional concerns, and directed the applicant to file written submissions in response. The applicant provided submissions which were considered by the Tribunal.

[15] The Request for Additional Submissions was clear in terms of the process followed in considering the jurisdictional issues raised. It stated the adjudicator would consider the submissions and either dismiss the Application, in whole or in part, for one of the identified jurisdictional reasons, allow the Application to continue without making any decision on its merits, or request additional information. The Request for Additional Submissions referred to Rule 13 of the Tribunal's Rules, which sets out the process for a Tribunal-initiated preliminary consideration of jurisdiction, the process that the Tribunal followed. It clearly set out the basis on which the Tribunal had jurisdictional concerns and referred the applicant to relevant case law. Finally, the Decision cited authority that states the Tribunal is not required to hold an oral hearing on the issue of its jurisdiction.

[16] Rule 19A of the Rules, addresses Summary Hearings. That Rule is not applicable to this Application.

[17] The applicant also asserts that accommodation is required due to their self represented status. However the accommodation sought is, in effect, a request that the Tribunal adopt the applicant's own personal interpretation of the law and apply it to the facts in a manner favourable to them. This is neither an appropriate form of accommodation, nor consistent with the principles of procedural fairness or the proper administration of justice.

[18] Further, the applicant submits that certain statements made by the respondent's representative were "dismissive", "defamatory" or otherwise inappropriate and that the Tribunal failed to intervene, resulting in a hostile procedure environment undermining the right to accessible, fair adjudication. I do not accept the applicant's characterization of the record.

[19] All parties appearing before the Tribunal are expected to conduct themselves with civility, and representatives are required to advance their positions in a professional manner. However, the mere fact that the respondent's representatives challenged the applicant's credibility, procedural conduct or interpretation of the facts does not render their submissions improper. It is a normal and necessary part of legal advocacy for parties

to make submissions regarding credibility, reliability or regarding the legal consequences of procedural actions.

[20] The applicant has not identified any statement or action that exceeds the bounds of acceptable advocacy that interfered with their ability to participate meaningfully in the proceeding.

[21] The applicant further submits that the Tribunal's failure to respond to their concerns created a hostile or unfair procedural environment. I do not accept the applicant's characterization of the procedural environment.

[22] Procedural fairness does not entitle a party to have the Tribunal accept the applicant's subjective interpretation of the tone, meaning or motivation behind opposing submissions. The applicant's subjective perception of unfairness does not, on its own, establish a breach of the duty of procedural fairness. The relevant question is whether the Tribunal provided the applicant with a fair opportunity to present their case.

[23] The record demonstrates that: the applicant was permitted to file extensive submissions, the applicant was informed of all relevant procedural steps, deadlines and expectations, and the Tribunal reviewed all submissions provided. Thus, the Tribunal's management of the file did not impair the applicant's ability to be heard or otherwise compromise the fairness of the process.

[24] The applicant further alleges that the respondent's representatives improperly contacted them directly by email. The applicant is self represented. The Tribunal's Rules do not prohibit counsel from corresponding directly with self represented parties unless the Tribunal has expressly directed otherwise. There is no such direction from the Tribunal with respect to this file.

[25] There are no submissions from the applicant that the correspondence contained any threats, inappropriate demands or content unrelated to the proceeding. As such, I

am satisfied that the communication was not improper and does not amount to procedural unfairness.

[26] Even accepting that the applicant found certain language unwelcome, procedural fairness does not extend to requiring the Tribunal to alter its legal analysis on that basis. Allegations regarding tone or interpersonal dynamics do not affect statutory limitation periods, the Tribunal's jurisdiction or the legal sufficiency of the applicant's allegations.

[27] Having reviewed the record, I do not find that the respondent's representatives engaged in conduct that created a hostile or unfair procedural environment, nor that the Tribunal's management of the file denied the applicant a fair opportunity to be heard. The concerns raised by the applicant reflect disagreement with opposing submissions and with the Tribunal's Decision, not any breach of procedural fairness.

**b. Case Law**

[28] The applicant provided submissions with respect to several cases with their Reconsideration submissions. The applicant submitted:

> In *Sokoloff v. Tru-Path Occupational Therapy Services Ltd*. (2013 HRTO 539), the Tribunal held that where the effects of discrimination are ongoing and unremedied, the limitation period does not begin to run. Similarly, in *Seberras v. Workplace Safety and Insurance Board* (2012 HRTO 115), the HRTO confirmed that when a discriminatory policy or record continues to operate and harm a person, the contravention is continuous. In *Noble v. York University* (2010 HRTO 878), the Tribunal found that a respondent's refusal to rectify a discriminatory situation maintains the violation, and in *Wall v. Lippay* [*sic*] (2008 HRTO 50), it held that a discriminatory record or statement remains actionable until withdrawn or corrected. These precedents apply directly to my case.

[29] In *Seberras v. Workplace Safety and Insurance Board*, 2012 HRTO 115, the Applicant challenged a WSIB policy that denied benefits because of the nature of his disability. The WSIB challenged the jurisdiction of the Tribunal to hear the application. The Tribunal convened a three person panel to determine whether the provision of benefits by the Workplace Safety and Insurance Board (WSIB) was a service. The

Tribunal determined that that benefits provided under a statute are services within the meaning of the *Code* and it had jurisdiction to determine if the WSIB policy was discriminatory or if a statutory benefits scheme had denied benefits on a discriminatory basis. This case did not speak to the merits of the Application. The applicant in the Reconsideration at hand, has not provided any meaningful submissions on how this case is applicable to the Reconsideration of this Application.

[30] In *Noble v. York University*, 2010 HRTO 878, the applicant, who was employed by the respondent, alleged that the respondent reprised against him because he sought to end a longstanding University policy (or practice) of not scheduling classes on Jewish high holidays. He asserts that his efforts to end the holiday policy were an exercise of his rights under the *Code*, and the actions of the respondent constitute a reprisal for the exercise of those rights. The Application was dismissed as the Tribunal did not find that reprisal had occurred. The applicant in the Reconsideration at hand, has not provided any meaningful submissions on how this case with respect to reprisal is applicable to the Reconsideration of this Application.

[31] In *Wall v. Lippé Group*, 2008 HRTO 50, the applicant alleged discrimination as against her employer, the respondent, because of disability by terminating her employment. Another employee was found to have photographs of the applicant on his phone, taken from beneath a desk as well as details written on his phone about how he wanted to have sexual relations with the applicant. The employee used these photographs, among others as an aid to masturbation while he was at work in the warehouse. The situation upset the applicant and caused her to suffer from anxiety and depression, and she required time off work for a medical leave. Her employer terminated her instead of accommodating her medical leave. The Tribunal found that the employer discriminated against the applicant. The applicant in the Reconsideration at hand, has not provided any meaningful submissions on how this case with respect to discrimination with respect to an employer is applicable to the Reconsideration of this Application.

[32] The applicant provided the case, *Sokoloff v. Tru-Path Occupational Therapy Services Ltd.,* 2013 HRTO 539. This citation does not correspond to this case. Nor does this case name appear in CanLii under the cases for the Human Rights Tribunal.

[33] In a search of CanLII a case citation is found: *Sokoloff v. Tru-Path Occupational Therapy Services Ltd*., 2019 ONSC 4756. This is an Ontario Superior Court case with respect to a libel action, contracts, torts and anti-SLAPP legislation, over protest placards placed outside the plaintiff's offices. This was held to be a private financial dispute between professionals, and not engaging the public interest under anti-SLAPP legislation. The applicant in the Reconsideration at hand cites this case name as a Tribunal case standing for the proposition of: where the effects of discrimination are ongoing and unremedied, the limitation period does not begin to run. This case was appealed to the Ontario Court of Appeal and dismissed. This submission from the applicant is clearly not accurate.

[34] In my view the three cases cited by the applicant are distinguishable from this Application. With respect to *Sokoloff v. Tru-Path Occupational Therapy Services Ltd*., 2013 HRTO 539, this case does not exist, despite the fact that the applicant cited the case and a finding from an alleged Tribunal decision.

[35] I find there is no basis for reconsideration pursuant to Rule 26.5(c) as the Decision is consistent with established case law and Tribunal procedure. As such it is not necessary to consider if the reconsideration involves a matter of general or public importance.

[36] As stated above, a reconsideration is not an opportunity to reargue the case. The Tribunal considered the complete record and considered all submissions advanced by the applicant. After doing so the Tribunal, in the written Decision, found the Application to be outside of the jurisdiction of the Tribunal.

**Rule 26.5 (d)**

[37] Rule 26.5 (d) states: reconsideration will not be granted unless the Tribunal is satisfied that other factors exist that, in the opinion of the Tribunal, outweigh the public interest in the finality of Tribunal decisions.

[38] The applicant provides a number of further submissions under Rule 26.5 (d) and is in essence attempting to relitigate the case, and using the Reconsideration as an appeal of the Decision. As already stated, this is an impermissible use of the Reconsideration process. A reconsideration is not an opportunity to repair deficiencies in the presentation of the case, or to have a hearing *de novo*.

[39] While this is not an appeal or a hearing *de novo*, I will briefly examine issues raised by the applicant.

*Tribunal Review of Submissions*

[40] The applicant submits that their submissions were not reviewed by the Tribunal. The applicant provided voluminous submissions as well as a USB with submissions and well as submissions with respect to the Request for Additional Submissions. The Tribunal considered the full record as submitted by the applicant with respect to the Decision. The applicant's argument is in essence that because the Application was not decided in their favour, then the submissions were not fully reviewed by the Tribunal. The mere fact that the outcome was not favourable to the applicant does not establish, nor does it reasonable imply, that the Tribunal failed to review submissions. The applicant has not provided any authority suggesting that the Tribunal is obliged to provide a point by point accounting of every submission or a reference to every document filed.

[41] With respect to submissions, adjudicators are tasked with the responsibility of reviewing submissions submitted by parties to an Application and determining what is relevant to the decision they must make. The applicant provides no authority to show that this is in variance with Tribunal jurisprudence or case law. In *Canada (Minister of*

*Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para 128, the Supreme Court of Canada said:

> Reviewing courts cannot expect administrative decision makers to "respond to every argument or line of possible analysis" (*Newfoundland Nurses*, at para. 25), or to "make an explicit finding on each constituent element, however subordinate, leading to its final conclusion" (para 16). To impose such expectations would have a paralyzing effect on the proper functioning of administrative bodies and would needlessly compromise important values such as efficiency and access to justice.

[42] The applicant's submissions amount to disagreement with the Decision, which is not a basis for reconsideration.

*Errors of law and fact*

[43] The applicant submitted that the Tribunal's decision was based on a fundamental error of fact and law.

[44] The applicant's submissions on this point are another effort to appeal the Decision with new legal arguments and the belief that the Tribunal committed errors in law and fact. However, reconsideration cannot be used in this way. The Tribunal's Practice Direction and case law are clear: reconsideration cannot be used as a means to appeal a Tribunal decision and reconsideration is granted only in limited circumstances. In *Paul James v York University and Ontario Human Rights Tribunal*, 2015 ONSC 2234 the Divisional Court confirmed the importance of not treating the Tribunal's reconsideration process as an appeal or an opportunity to repair deficiencies in the original presentation of a case. There must be more than disagreement with a decision to find that the conditions in Rule 26.5 have been made out. In *Sigrist and Carson v. London District Catholic School Board*, 2008 HRTO 34, the Tribunal stated that reconsideration is not an opportunity to re-argue a case. Once the Tribunal has made a decision in a case, parties are entitled to treat the matter as completed and final, subject to limited exceptions

*Discoverability*

That applicant submits that they did not discover the discrimination until long after the interaction between themselves and the respondents, which would then make the Application timely. The applicant submits:

> Regarding timeliness, the one-year limitation period begins when an applicant knew or ought reasonably to have known that the conduct was discriminatory. Where discrimination is ongoing, the limitation runs from the last incident (see *Turner v. Canada Border Services Agency*, 2017 HRTO 211*; Dhanjal v. Air Canada,* 2016 HRTO 1301).

[45] The applicant provides two Tribunal cases in support of the one year limitation period and discoverability. Neither of these cases are found under the citations provided. Nor do the case names appear in CanLII as cases heard by the Human Rights Tribunal of Ontario.

[46] In a search of CanLII, the case name *Turner v. Canada Border Services Agency,* was found in CanLII as *Turner v. Canada Border Services Agency,* 2020 CHRT 1 (CanLII). This is a Canadian Human Rights Tribunal (CHRT) decision where the applicant alleged discriminatory loss of job opportunities by his employer based on his race, colour, and perceived disability of obesity. The applicant in the Reconsideration at hand does not provide any meaningful submissions as to how this case is relevant to the case law of the Tribunal or to this Reconsideration.

[47] In a search of CanLII, the case name *Dhanjal v. Air Canada* was found in CanLII as *Dhanjal v. Air Canada*, 1996 CanLII 2385 (CHRT), a 1996 Canadian Human Rights Tribunal Case. In this case the applicant alleged discrimination as against his employer on the basis of race and religion, resulting in the applicant being forced to resign due to a poisoned work environment. The CHRT did not find discrimination. The applicant appealed and the Decision was upheld on appeal. The applicant in the Reconsideration at hand does not provide any meaningful submissions as to how this case is relevant to Tribunal or to this Reconsideration.

[48] With respect to discoverability, the applicant is again providing submissions to use the Reconsideration as an appeal of the Decision. As already stated, reconsideration is not an appeal.

[49] The applicant submits that the hospital complaint process provides a discoverability date when the alleged *Code* violations crystalized. However, I am not persuaded that the doctrine of discoverability is helpful to the applicant in this case. As the Tribunal held in *Klein v. Toronto Zionist Council*, 2009 HRTO 241 at para 23:

> What the applicant later uncovered was not information that assisted her in *discovering* her potential case under the *Code*, but rather *evidence* that would support her allegations. The discoverability doctrine may provide an exception to a statutory limitation period in order to ensure fairness to parties who simply cannot know within the stipulated timeframe that they have a case. It does not exist to allow aggrieved persons to delay making a claim in order to gather evidence that confirms their suspicions or buttresses their case.

[50] If the claimant's *Code*-enumerated rights were infringed, it occurred at the time of the interactions with the respondents. There was nothing to prevent the applicant from filing a timely Application under the *Code* while continuing within the other complaint processes.

[51] While the applicant clearly disagrees with the Decision, I am not satisfied that the applicant's submissions identify any factors that outweigh the public interest in the finality in Tribunal decisions under Rule 26.5 (d).

[52] I have considered the Request for Reconsideration submitted in this matter. It is clear that the applicant disagrees with the Decision however, for all of the reasons set out above, having carefully reviewed the Application, the submissions, the law, and the jurisprudence, I find the applicant has not established sufficient grounds for reconsideration of the Decision under Rule 26.5. As such, I am denying the Request for Reconsideration and the Decision stands as issued.

[53] The applicant's submissions with respect to this Application will be addressed at this point.

*Applicant's Submissions to the Tribunal*

[54] The applicant submitted and relies on a number of cases. Three cases*, Sokoloff v. Tru-Path Occupational Therapy Services Ltd*., 2013 HRTO 539; *Turner v. Canada Border Services Agency*, 2017 HRTO 211; *Dhanjal v. Air Canada,* 2016 HRTO 1301, are not locatable on CanLII with the citation provided by the applicant. Searching by case name, they do not exist as cases heard by the Tribunal, despite the applicant submitting each of these as Tribunal cases with citations and with a brief statement of the findings of the Tribunal. With respect to the remaining cases submitted by the applicant, the applicant fails to provide any meaningful submissions as to the relevance of these cases, and each are distinguishable on their facts and conclusions.

[55] Courts have been clear on the issue of submissions. AI-generated factums may refer to non-existent cases, or they may identify cases that are clearly irrelevant to the legal issues for which they are said to support. The court has held that the fact that a party is self-represented is not an excuse for this conduct. In *Halton (Regional Municipality) v. Rewa et al.*, 2025 ONSC 4503, the court held:

> It matters not if the fictitious cases and associated fictitious propositions are advanced by a lawyer or a self-represented party. The adverse effect on the administration of justice is the same, see *Attorney General v. $32,000 in Canadian Currency*, 2025 ONSC 3414, at para. 51.
>
> …
>
> Basic decency and honesty requires all parties to come to court with clean hands and to put their best foot forward. Misleading the court is an affront to the administration of justice and can be fatal to one's credibility.
>
> Every person who submits authorities to the court has an obligation to ensure that those authorities exist and stand for the propositions for which they are advanced. Although increasingly people are using AI applications to assist them with drafting and research, they have an obligation to verify if the tool they are using is reliable. One does not need to be a lawyer to

> conduct a simple search on CanLII to verify whether the cases identified by the AI-generated factum exist. One also does not need to be a lawyer to read through a case to verify if it stands for the suggested proposition.

[56] In *Zhang v. Chen*, 2024 BCSC 285 at para. 29, Masuhara J. stated the issue in stronger terms: "[c]iting fake cases in court filings and other materials handed up to the court is an abuse of process and is tantamount to making a false statement to the court. Unchecked, it can lead to a miscarriage of justice."

[57] In my view these comments apply equally to proceedings before this Tribunal.

**ORDER**

[58] For the reasons above the Request for Reconsideration is denied and the Decision stands as issued.

Dated at Toronto, this 21st day of November, 2025.

*"Signed by"*

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Mary MacNeill
Member