



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0050-26-UR**

Otar Bennett, Applicant v **Trillium Health Partners**, Responding Party

BEFORE: Sam Marino, Vice-Chair

DECISION OF THE BOARD: June 12, 2026

1. This is an application alleging an unlawful reprisal under section 50 of the *Occupational Health and Safety Act*, R.S.O. 1990 c. 0.1, as amended (the "Act").

2. The application was originally filed on April 7, 2026 and delivered to the responding party by the applicant, further to a decision of the Board dated April 20, 2026.

3. The responding party (or "Trillium") filed their response on May 8, 2026. That *response* included a request to dismiss the application for failing to make out a *prima facie* case. That is, the responding party asserted that even if the statements contained in the application were accepted as true, the application would still not make out a violation of section 50 of the Act.

4. Since May 8, 2026, the applicant has filed a significant amount of material with the Board including: a full reply to the response of the responding party, a document containing post application allegations, a further submission containing additional allegations, and a request to amend the application dated May 13, 2026 which contains yet further allegations.

5. By decision dated May 14, 2026, the Board directed that Trillium respond to the applicant's request to amend the application, which it filed on May 28, 2026. In those submissions, Trillium asserted that the amendments requested revolve entirely around Trillium's interactions with its legal counsel –which it asserts are subject to solicitor-client privilege. Further, it notes that the applicant has relied upon case law to

support his request to amend their application which does not appear to exist (an issue which has become more commonplace since the advent of artificial intelligence). Trillium asserts that the request to amend pleadings should be rejected on this basis.

6. The responding party also asserts that the application as a whole is disjointed and deficient and fails to provide a nexus between the allegations and reprisal and should be dismissed on this basis citing *Neumeister v St. Mary's General Hospital Inc*, 2024 CanLII 119417 (ON LRB) as the Board's authority to do so. It also reiterated its initial request to dismiss the application on a *prima facie* basis.

7. This decision deals with these latter requests by the responding party. That is, their request that the Board dismiss the application due to deficiency and/or for failing to *prima facie* case – which is substantively the same exercise.

7. Rule 39.1 of the Board's Rules of Procedure provides that the Board may dismiss an application without a consultation or hearing if, assuming that the facts pleaded are true, the application does not make out a case for the orders or remedies requested.

6. As this application may be dismissed without a hearing or consultation based on the written submissions filed with the Board, it is appropriate that the applicant be given a further opportunity to respond to the request.

7. Accordingly, the identifying which of the statements in his application he relies upon to support the position that the application should not be dismissed for failing to plead a *prima facie* case. That is, the Applicant must explain which of the statements contained in his application, if true, would give rise to a finding that the responding party reprised against him and why.

8. The Board notes Trillium's objection to the request to amend. For the purposes of addressing the no *prima facie* case motion, if the applicant wishes them to be considered, he may indicate in his submissions which amendments – if granted - would relate to a finding that the responding party reprised against him and why. The Board will then decide if the amendments are permitted if it proves necessary to do so.

9. The applicant's submissions are to be written in numbered paragraphs. The submissions may only refer to allegations contained in the application and subsequent submissions to date. Fresh or additional allegations will not be considered.

10. The applicant is to provide these submissions no later than **June 17, 2026** by sending a copy to Trillium's legal counsel and then filing a copy with the Board.

11. The responding party is directed to respond by no later than **June 24, 2026**.

12. I am seized.

"Sam Marino"
for the Board