

IN THE SUPREME COURT OF CANADA

(APPEAL FROM THE COURT OF APPEAL FOR THE PROVINCE OF BRITISH COLUMBIA)

BETWEEN:

BRITISH COLUMBIA HUMAN RIGHTS COMMISSION,
COMMISSIONER OF INVESTIGATION AND MEDIATION,
THE BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL
and ANDREA WILLIS

Appellants
(Respondents)

AND:

ROBIN BLENCOE

Respondent
(Petitioner)

AND:

IRENE SCHELL

Intervener
(Interested Party)

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PART I - STATEMENT OF FACTS

A. Introduction

1. This appeal concerns the relationship between s. 7 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”) and the complaint, investigation and adjudication processes under the British Columbia *Human Rights Code* (the “*Code*”).

Human Rights Code, R.S.B.C. 1996, c. 210

10 2. It is from a Judgment of the Court of Appeal for British Columbia (Lambert J.A. dissenting) which directed a stay of two human rights complaints against the Respondent, Robin Blencoe. The stay was based on a finding by a majority of the Court of Appeal that delay in the processing of the complaints had breached the rights of the Respondent to liberty and security of the person under s. 7 of the *Charter* in a manner not in accordance with the principles of fundamental justice.

20 3. The British Columbia Human Rights Tribunal (the “Tribunal”) is the adjudicative body under the *Code* that hears and decides complaints referred to it by the Commissioner of Investigation and Mediation. In July 1997, the complaints against the Respondent were referred to the Tribunal for hearing. The Respondent commenced these proceedings for judicial review in November 1997 and subsequently joined the Tribunal as a party.

4. The Tribunal appeared in the courts below but took no position on the merits of the complaints against the Respondent or the merits of the Respondent’s allegations of delay in the processing of the complaints. The Tribunal participates on the appeal to this Court in order to address the Tribunal’s jurisdiction to apply and impose remedies for a breach of s. 7 of the *Charter*.

30 5. The Tribunal adopts and relies upon the Appellants’ Record filed by the Appellants, the British Columbia Human Rights Commission and the Commissioner of Investigation and Mediation (jointly, the “Commission”). The Tribunal has also filed a Supplementary Appellants’ Record which contains the Notice under the *Constitutional Question Act* filed by the Respondent in the Court of Appeal.

B. The Human Rights Complaints

6. In July and August 1995, Irene Schell and Andrea Willis made sexual harassment complaints to the British Columbia Council of Human Rights under the *Human Rights Act*. The complaints were against Mr. Blencoe, a former provincial Cabinet minister, and the Province of British Columbia.

Appellants' Record, Vol. II, pp. 190-194, 273-75

Human Rights Act, S.B.C. 1984, c. 22, s. 11(1)

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7. On January 1, 1997, the *Human Rights Act* was renamed the *Human Rights Code* and was restructured to replace the British Columbia Council of Human Rights with two separate agencies, the British Columbia Human Rights Commission and the British Columbia Human Rights Tribunal. Under the legislation, Schell and Willis initiated and had carriage of their complaints. The Council of Human Rights, and subsequently the Commissioner of Investigation and Mediation (an official of the Human Rights Commission), was responsible for receiving, investigating and referring the complaints for hearing. The Tribunal was responsible for hearing and deciding whether the complaints were justified.

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Human Rights Act, *supra*, ss. 11(1), 14, 16

Human Rights Amendment Act, S.B.C. 1995, c. 42

Code, ss. 21(1), 26(1), 34, 35, 36, 37

8. In July 1997, the Commissioner of Investigation and Mediation referred the Schell complaint to the Tribunal for hearing against the Respondent, and referred the Willis complaint for hearing against the Respondent and the Province of British Columbia. In September 1997, the Tribunal fixed dates in respect of each complaint for pre-hearing conferences in November 1997 and for hearings in March 1998.

Appellants' Record, Vol. II, pp. 268-270, 373-375, 630-631

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C. The Judicial Review Proceedings

9. In late November 1997, the Respondent filed an application in the Supreme Court of British Columbia for judicial review of the Commissioner of Investigation and Mediation's referral of the complaints to the Tribunal for hearing. He subsequently amended the application for judicial review to join the Tribunal as a party and to add s. 7 of the *Charter* as a ground upon which relief was sought.

Appellants' Record, Vol. 1, pp. 1-17, 20-42

10. The relief sought by the Respondent included an order in nature of *certiorari* quashing the decisions to refer the complaints to hearing, an order in the nature of *mandamus* requiring the Commission to dismiss the complaints, and an order in the nature of prohibition preventing the Tribunal from hearing the complaints. The grounds upon which he sought relief were that:

- “1. the Commission has lost jurisdiction by delaying unreasonably in processing the human rights complaints filed by Willis and Schell;
2. the Commission's unreasonable delay has caused serious prejudice to the petitioner, and therefore amounts to an abuse of process as well as a denial of natural justice and procedural fairness and contrary to section 7 of the *Canadian Charter of Rights and Freedoms*; and
3. the Tribunal's unreasonable delay in referring the complaints to a hearing has in all the circumstances caused the Tribunal to lose jurisdiction, is an abuse of process, is a denial of natural and procedural fairness and contrary to section 7 of the *Canadian Charter of Rights and Freedoms*.”

Appellants' Record, Vol. 1, p. 29

11. The Respondent alleged that inordinate delay in the administrative process for the complaints had caused prejudice to his ability to defend himself and prejudice in terms of personal hardship created by the stigma of the unresolved allegations. He accepted that the principle of *stare decisis* prevented him from relying upon s. 7 of the *Charter* before the Supreme Court of British Columbia, but reserved any right he had to raise that issue on an appeal. He argued that the same grounds which would justify

relief under s. 7 would also justify relief if the *Charter* could not be invoked.

Appellants' Record, Vol. IV, pp. 628, 632, 637

12. On February 11, 1998, the Supreme Court of British Columbia dismissed the Respondent's application for judicial review. Lowry J. found that the Respondent's ability to defend the complaints had not been compromised. Judicial review of that aspect of the matter was therefore premature and more properly left to the Tribunal. Lowry J. held that personal hardship attributable to unacceptable delay in an administrative process did not constitute prejudice which, absent any application of the *Charter*, entitled a respondent to a human rights complaint to prerogative relief. There must be some prejudice that related directly to his ability to respond to the complaint in an evidentiary sense.

Appellants' Record, Vol. IV, pp. 620-626, 632, 644-645

13. The Respondent appealed to the Court of Appeal for British Columbia and filed a Notice under the *Constitutional Question Act* of his intention to seek a constitutional remedy under s. 24(1) of the *Charter*.

Supplementary Appellants' Record, pp. 1-2

Constitutional Question Act, R.S.B.C. 1996, c. 68, s. 8(2)(b)

14. On May 11, 1998, the Court of Appeal (McEachern C.J.B.C. and Prowse J.A. for the majority in separate concurring reasons) allowed the appeal and directed that the human rights proceedings against the Respondent be stayed. Lambert J.A., in dissent, would have dismissed the appeal and upheld the judgment below.

Appellants' Record, Vol. IV, pp. 653-655

15. Restricting his analysis to s. 7 of the *Charter*, McEachern C.J.B.C. focused principally on the relationship between liberty and security of the person interests in human rights and other non-criminal proceedings. The Chief Justice found that the complaints were relatively simple ones involving no complex legal or factual issues. He held that the exacerbation of an existing state of affairs may trigger the s. 7

Charter right to security of the person and that, in this case, the excessive delay both created a substantial stigma against “the accused” and exacerbated an existing circumstance. In the Chief Justice’s view, the delay was so excessive when weighed against the seriousness of the “charge” and the simplicity of the issues that it could never be viewed as reasonable under any test.

Appellants’ Record, Vol. IV, pp. 673-74, 683-704

16. In response to the Commission’s submission that the Tribunal should be allowed to proceed first to determine whether the Respondent’s *Charter* rights were
 10 infringed, the Chief Justice was satisfied that the Respondent had already been unjustly deprived of his s. 7 rights so it would be inappropriate to further prolong the proceedings. He expressly left open the question of whether the Tribunal was a competent body for such purposes.

Appellants’ Record, Vol. IV, pp. 704-705

17. Prowse J.A. gave brief concurring reasons in which she agreed with the Chief Justice that s. 7 of the *Charter* was engaged because the complaints were tantamount to allegations of sexual assault. She found that the Respondent’s right to security of the person had been breached in a manner not in accordance with the
 20 principles of fundamental justice, having regard to the nature of the allegations and the nature and extent of the prejudice suffered by him as a result of the human rights proceedings.

Appellants’ Record, Vol. IV, p. 706

18. Lambert J.A., in dissent, found that the question of whether delay in the human rights process had breached the principles of natural justice was an issue of fact. Lowry J.’s decision on that question therefore should only be interfered with if he misconceived the evidence or his conclusion was clearly and palpably wrong, neither of which happened in this case. Lowry J. was also correct on a question of law when
 30 he held that, for purposes of an assessment of natural justice, prejudice from delay must go to the Tribunal’s jurisdiction, that is, to the intrinsic fairness of the hearing process and the hearing itself, not to extrinsic factors such as the suffering of the

Respondent and his family through stigmatization, stress, and other causes. The degree of suffering endured by respondents to human rights complaints, or balanced between respondents and complainants, cannot determine the jurisdiction of the Tribunal.

Appellants' Record, Vol. IV, pp. 665

19. Lambert J.A. focused his *Charter* analysis on the principles of fundamental justice and the extent to which those principles are informed by principles of administrative and civil law. In his view, like breach of the principles of natural
10 justice, the question of whether the Respondent's suffering, through stigma and other causes, constituted a breach of fundamental justice was predominantly one of fact. Because Lambert J.A. concluded that the principles of fundamental justice were not breached, he found it unnecessary to decide whether rights under s. 7 of the *Charter* may be triggered by delay in human rights proceedings.

Appellants' Record, Vol. IV, pp. 666-668, 671

PART II - POINTS IN ISSUE

20. This appeal raises the following issue of general application:

- (1) Can delay in the processing of a human rights complaint trigger and breach a respondent's rights under s. 7 of the *Charter*?

21. If this Court answers the first question in the affirmative, a second issue of general application arises:

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- (2) In what fora may alleged breaches of s. 7 of the *Charter* in relation to delay in the human rights process and remedies for such violations be determined?

22. On the first issue, the Tribunal will take no position.

23. On the second issue, the Tribunal limits its participation to written submissions on the importance of the issue, aspects of the Tribunal's statutory structure, powers and functions, the relevant legal principles, and the approach

20 Tribunal has taken to this question.

PART III - ARGUMENT

A. Introduction

24. The judgment of the Court of Appeal left open the question of the Tribunal's jurisdiction to decide applications invoking s. 7 of the *Charter* in relation to delay in the processing of complaints referred for hearing under the *Code*.

10 25. If this Court concludes that s. 7 rights may be engaged by delay in the processing of human rights complaints, the Tribunal respectfully requests that this Court provide guidance on the jurisdiction of human rights tribunals to make such determinations.

26. This Court has addressed the jurisdiction of statutory tribunals, including human rights commissions and tribunals, to consider constitutional issues. It also has addressed the meaning of "court of competent jurisdiction" for the purposes of s. 24 of the *Charter*, but not in relation to human rights agencies.

20 27. This Court has not explicitly considered whether a statutory tribunal may remedy a *Charter* breach independent of s. 52(1) of the *Constitution Act, 1982* and s. 24 of the *Charter*. If not, a statutory tribunal which is empowered to determine constitutional issues cannot award a remedy for a *Charter* violation to which s. 52(1) does not apply, unless it is also a court of competent jurisdiction.

28. In the wake of the Court of Appeal's decision in this case, the Supreme Court of British Columbia and the Tribunal have received an increasing number delay applications that seek to stay human rights complaints on the basis of the reasoning of the majority of the Court of Appeal. The Tribunal has considered the applications made to it and, in some cases, has dismissed complaints.

30 *Dahl v. True North R.V.*, [1998] B.C.H.R.T.D. No. 46, at 2-8

Coop v. Tiffany's Plants Ltd. (c.o.b. "Terra Plants and Flowers"), [1998] B.C.H.R.T.D. No. 52, at 1-5

MacTavish v. Tennant (c.o.b. "Look Model Talent"), [1998] B.C.H.R.T.D. No. 65, at 2-12

Behmardi v. Tsin and Deputy Chief Commissioner (1 March 1999), unreported (B.C.H.R.T.), at 3-18

Levitt v. British Columbia (Human Rights Commission), [1998] B.C.J. No. 2540 (S.C.), at 5-9

10 *NLK Consultants Inc. v. British Columbia (Human Rights Commission)*, [1999] B.C.J. No. 380 (S.C.), at 2-9

29. The Tribunal's interest and concern is that all parties to human rights complaints will be ill-served by jurisdictional uncertainty in this area. The available and appropriate fora for delay challenges invoking s. 7 of the *Charter* in relation to human rights complaints should be clearly known, expeditious, fair, and should not impose undue expense upon the parties to such complaints.

B. The Tribunal's Statutory Structure, Powers and Functions

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30. The Tribunal consists of at least three full time members and up to six part time members who are appointed by the Lieutenant Governor in Council for terms of three to five years. Complaints referred to the Tribunal by the Commissioner of Investigation and Mediation may be heard by a single member or by a panel of three members of the Tribunal.

Code, ss. 31, 34(1)

30 31. Unlike the Commission, the Tribunal has no administrative or investigative involvement in the processing of complaints under the *Code*. The Tribunal's mandate is solely adjudicative. The essence of that mandate is to hear and decide whether the complaints of discrimination referred to the Tribunal under the *Code* are justified and to impose appropriate remedies. Because the *Code* prevails in the event of conflict between the *Code* and any other enactment, examination of the provisions, scope and application of other statutes to determine whether they conflict with the *Code* is also central to the Tribunal's functions.

Code, ss. 4, 26, 37

32. The primary and essential expertise of the Tribunal lies in fact-finding and adjudication in the human rights context.

Canada (Attorney General) v. Mossop, [1993] 1 S.C.R. 554, per Lamer J. at 577-578, per La Forest J. at 583-585, per Cory J. (dissenting) at 648, per McLachlin J. (dissenting) at 648-649

Ross v. School District No. 15, [1996] 1 S.C.R. 827, per La Forest J. at 847, 849

10 *Cooper v. Canada (Human Rights Commission)*, [1996] 3 S.C.R. 854, per La Forest J. at 897

33. At the hearing of a complaint, parties adverse in interest - the complainant, the respondent and, at his or her election, the Deputy Chief Commissioner - present their cases. The Commissioner of Investigation and Mediation is not a "party", however the Tribunal may authorize the participation of interveners.

Code, s. 1 definition of "party", ss. 35(2) and 36

20 34. Under the *Code*, the Tribunal has the following express powers and duties in relation to the hearing of complaints:

(a) the powers of a commissioner under ss. 15 and 16 of the *Inquiry Act*, R.S.B.C. 1996, c. 224, to compel the production of things and the attendance and testimony of witnesses (*Code*, s. 34(3));

(b) the authority determine its own practice and procedures (*Code*, s. 35(1));

30 (c) the duty to give the parties to each complaint the opportunity to be represented by counsel, to present relevant evidence, to cross examine witnesses and to make submissions (*Code*, s. 35(2));

(d) the authority to receive and accept evidence and information that the Tribunal considers relevant or appropriate whether or not it would be admissible in a court of law (*Code*, s. 35(3));

- (e) the authority to hear multiple complaints together or to sever the hearing of complaints which were joined by the Commissioner of Investigation and Mediation (*Code*, s. 35(4) and (5));
- (f) the duty to determine if the complaints referred to it for hearing are justified or not under the *Code* and to impose various remedies as required or appropriate (*Code*, s. 37);
- (g) the authority to award costs against a party to a complaint that has engaged in improper conduct during the course of the investigation or the hearing of a complaint (*Code*, s. 37(4)).

35. Once an order of the Tribunal is filed in the Supreme Court of British Columbia, it is enforceable as if it were a judgment of that court. The avenue for oversight of Tribunal orders is judicial review by the Supreme Court of British Columbia. No right of appeal or privative clause is contained in the *Code*.

Code, s. 39

Judicial Review Procedure Act, R.S.B.C. 1996, c. 241, s. 2

20 C. The Legal Principles Relevant to the Tribunal's Jurisdiction

(1) General principles

36. A statutory tribunal is limited to exercising its legislated jurisdiction and is obliged not to proceed where it lacks, or has lost, jurisdiction over a matter.

Douglas/Kwantlen Faculty Assn. v. Douglas College, [1990] 3 S.C.R. 570, per La Forest J. at 594-595

Cooper v. Canada (Human Rights Commission), *supra*, per La Forest J. at 891

37. A statutory tribunal is responsible for the fairness of its process. Principles of abuse of discretion or abuse of process caused or exacerbated by delay are encompassed here. This jurisdiction permits an adjudicative tribunal to determine

whether a hearing constitutes an abuse of its process and, more specifically, to determine non-*Charter* applications to bring proceedings before it to an end on the ground that delays or other deficiencies of process have undermined the fairness of the hearing. This element of an adjudicative tribunal's statutory jurisdiction is similar to a trial court's discretion at common law to stay proceedings to prevent an abuse of process, although it may manifest itself remedially in the tribunal's dismissal of a matter rather than in a judicial stay of proceedings.

Misra v. College of Physicians & Surgeons of Saskatchewan (1988), 52 D.L.R. (4th) 477 (Sask. C.A.), at 490

R. v. Jewitt, [1985] 2 S.C.R. 128, at 135-137

38. A statutory tribunal can and must make its decisions and conduct its proceedings in conformity with the *Charter*.

Weber v. Ontario Hydro, [1995] 2 S.C.R. 929, per Iacobucci J. (dissenting) at 935, per McLachlin J. at 960-961

Mooring v. Canada (National Parole Board), [1996] 1 S.C.R. 75, per Sopinka J. at 97

Slaight Communications Inc. v. Davidson, [1989] 1 S.C.R. 1038, per Dickson C.J.C. at 1048, per Beetz J. at 1058, per Lamer J. (dissenting in part) at 1077-1078

(2) Jurisdiction to consider constitutional issues

39. In order to consider constitutional issues, a statutory tribunal must already have jurisdiction over the parties, the subject matter and the remedy sought. This analytical framework mirrors but is not the same as the requirements for a court of competent jurisdiction under s. 24(1) of the *Charter*. When the enabling statute of a tribunal also confers a power to determine questions of law, the tribunal holds a concomitant power to determine whether that law is constitutionally valid and, if not, to treat it as inoperative. This is because s. 52(1) of the *Constitution Act, 1982*, although it does not confer jurisdiction on a tribunal, confirms that the Constitution is the supreme law and must be respected by a tribunal empowered to interpret law.

Douglas/Kwantlen Faculty Assn. v. Douglas College, *supra*, per La Forest J. at 594-595

Cuddy Chicks Ltd. v. Ontario (Labour Relations Board), [1991] 2 S.C.R. 5, per La Forest J. at 14-15

Cooper v. Canada (Human Rights Commission), *supra*, per La Forest J. at 886-888

40. Labour tribunals have the power to apply the *Charter* in relation to their enabling statute or the collective agreement under consideration.

10 *Douglas/Kwantlen Faculty Assn. v. Douglas College*, *supra*, per la Forest J. at 606

Cuddy Chicks Ltd. v. Ontario (Labour Relations Board), *supra*, per La Forest J. at 19

41. Human rights commissions have the power, to one degree or another, to interpret and apply their own enabling statute. This does not confer jurisdiction to address general questions of law or to find a provision of their enabling statute unconstitutional under the *Charter* and treat it as inoperative.

20 *Cooper v. Canada (Human Rights Commission)*, *supra*, per La Forest J. at 890-895

42. Human rights tribunals have the power to consider general legal and constitutional questions, but not so much that they can decide *Charter* challenges to the validity of a limiting provision of their enabling statute.

Cooper v. Canada (Human Rights Commission), *supra*, per La Forest J. at 895-898

(3) Jurisdiction to grant remedies under s. 24 of the *Charter*

30 43. In order to grant a remedy under s. 24(1) of the *Charter*, a statutory tribunal must have jurisdiction over the parties and the subject matter of the dispute, and must be empowered to make the remedial orders sought.

Mills v. The Queen, [1986] 1 S.C.R. 863, per Lamer J. (dissenting) at 890, per McIntyre J. at 955, per Wilson J. (dissenting) at 967

Weber v. Ontario Hydro, *supra*, per McLachlin J. at 962-963

Mooring v. Canada (National Parole Board), *supra*, per Sopinka J. at 89-90

44. A labour arbitrator is a court of competent jurisdiction in relation to the collective agreement under consideration.

Weber v. Ontario Hydro, supra, per McLachlin J. at 963

45. A statutory tribunal such as a parole board, although bound by the dictates of the *Charter* in respect of the conduct of its proceedings, does not have the power to exclude evidence under s. 24(2) of the *Charter*.

10 *Mooring v. Canada (National Parole Board), supra*, per Sopinka J. at 89-97

(4) Questions of prejudice arising from delay

46. A trial court or adjudicative tribunal whose proceedings are involved in a common law or *Charter* based delay challenge is often in a better position to carry out required fact-finding, than a court of review or appeal. Such a practice provides the
20 backdrop of a full record, prevents the court's or tribunal's proceedings from being fragmented, and honours the principles of prematurity and exhaustion of remedies.

Mills v. The Queen, supra, per Lamer J. (dissenting) at 894-896, per McIntyre J. at 956, per Wilson J. (dissenting) at 967, per La Forest J. at 971, 973, 976-978

Ontario College of Art v. Human Rights Commission (Ont.) (1993), 11 O.R. (3d) 798 (Ont. Ct. Gen Div.), at 800

30 *Hancock v. Shreve* (1992), 8 Admin L.R. (2d) 128 (Ont. Ct. Gen. Div.), at 130-131

Cicci v. British Columbia Securities Commission (1993), 39 B.C.A.C. 126 (B.C.C.A.), at 136

Reasons for Judgment of Lambert J.A. (dissenting), Appellants' Record, Vol. IV, pp. 671-672

D. The Tribunal's Approach to *Charter* Based Delay Applications

47. Interpreting *Cooper*, the Tribunal has held that it has jurisdiction to consider some constitutional issues, although not the constitutional validity of a limiting provision of the *Code*.

Canadian Jewish Congress v. North Shore Free Press, [1997]
B.C.H.R.T.D. No. 23, Appendix 1.1 (Corrected)

Sheridan v. Sanctuary Investments Ltd. (c.o.b. B.J.'s Lounge), [1998]
B.C.H.R.T.D. No. 18, at 2-3

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48. With respect to delay applications seeking the dismissal of complaints referred for hearing under the *Code*, the Tribunal has held that it has jurisdiction to determine whether delay in the human rights process has infringed the s. 7 *Charter* rights of a respondent to a sexual harassment complaint. Where the remedy sought is only to halt the proceedings, the Tribunal has determined that it may grant that remedy and dismiss the complaint for lack of jurisdiction, without recourse to s. 24 of the *Charter*.

MacTavish v. Tennant (c.o.b. "Look Model Talent"), *supra*, at 2-3

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Dahl v. True North R.V., *supra*, at 3-4

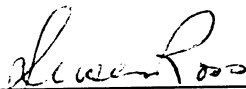
Behmardi v. Tsin and Deputy Chief Commissioner, *supra*, at 3-13

PART IV - NATURE OF ORDER SOUGHT

49. If this Court finds that s. 7 of the *Charter* was triggered by delay in the processing of the human rights complaints against the Respondent, the Tribunal respectfully requests that it provide guidance on the Tribunal's jurisdiction to determine and impose remedies for the violation of the parties' s. 7 *Charter* rights in respect of complaints referred to the Tribunal for hearing under the *Code*.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

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 Susan E. Ross
 Counsel for the British Columbia
 Human Rights Tribunal

20 **NOTICE TO THE RESPONDENT:** Pursuant to subsection 44(1) of the *Rules of the Supreme Court of Canada*, this appeal will be inscribed by the Registrar for hearing after the Respondent's factum has been filed or on the extension of the time period set out in paragraph 38(3)(b) of the said Rules, as the case may be.

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PART V
TABLE OF AUTHORITIES

<u>Cases</u>	<u>Pages in Factum Where Cited</u>
10 <i>Behmardi v. Tsin and Deputy Chief Commissioner</i> (1 March 1999), unreported (B.C.H.R.T.)	9, 15
<i>Canada (Attorney General) v. Mossop</i> , [1993] 1 S.C.R. 554	10
<i>Canadian Jewish Congress v. North Shore Free Press</i> [1997] B.C.H.R.T.D. No. 23, Appendix 1.1 (Corrected)	15
<i>Cicci v. British Columbia Securities Commission</i> (1993), 39 B.C.A.C. 126 (B.C.C.A.)	14
20 <i>Coop v. Tiffany's Plants Ltd. (c.o.b. "Terra Plants and Flowers")</i> , [1998] B.C.H.R.T.D. No. 52	8
<i>Cooper v. Canada (Human Rights Commission)</i> , [1996] 3 S.C.R. 854	10, 11, 13
<i>Cuddy Chicks Ltd. v. Ontario (Labour Relations Board)</i> , [1991] 2 S.C.R. 5	13
<i>Dahl v. True North R.V.</i> , [1998] B.C.H.R.T.D. No. 46	8, 15
<i>Douglas / Kwantlen Faculty Assn. v. Douglas College</i> , [1990] 3 S.C.R. 570	11, 12, 13
30 <i>Hancock v. Shreve</i> (1992), 8 Admin L.R. (2d) 128 (Ont. Ct. Gen. Div.)	14
<i>Levitt v. British Columbia (Human Rights Commission)</i> , [1998] B.C.J. No. 2540 (S.C.)	9
<i>MacTavish v. Tennant (c.o.b. "Look Model Talent")</i> , [1998] B.C.H.R.T.D. No. 65	9, 15
<i>Mills v. The Queen</i> , [1986] 1 S.C.R. 863	13, 14
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