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Court File No. T-1888-22

FEDERAL COURT

B E T W E E N:

(Court Seal)

UNITED PARCEL SERVICE CANADA LTD.

Applicant

and

TESHA PETERS

Respondent

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The relief claimed by the Applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicant. The Applicant requests that this application be heard at Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the Applicant's solicitor or, if the Applicant is self-represented, on the Applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date September 14, 2022 Issued by Joey Arseneault-Watters
(Registry Officer)

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local office: 180 Queen Street West, Suite 200
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APPLICATION

This is an application for judicial review in respect of the decision of Member Kathryn A. Raymond of the Canadian Human Rights Tribunal (the “**Tribunal**”) in file nos. T2201/2317 dated August 15, 2022 and communicated to the Applicant on August 15, 2022, concerning the merits of the complaint of sexual harassment and discrimination on the basis of disability filed by the Respondent, Tesha Peters (the “**Merits Decision**”).

As of the date of filing this Notice of Application, the Tribunal has not issued its final decision on damages and remedy (the “**Remedy Decision**”). The Applicant is filing this Notice of Application at this time to preserve its right to judicially review the decision, given the 30 day statutory deadline to bring an application for judicial review in subsection 18.1(2) of the *Federal Courts Act*.

Based on the Merits Decision, the Applicant makes application for:

1. an Order in the nature of *certiorari* setting aside and quashing the Merits Decision;
2. an Order staying the proceeding or, in the alternative, remitting the proceeding to a different Member of the Tribunal;
3. an Order for the Applicant's costs of this Application; and
4. such further and other relief as counsel may advise and this Honourable Court deems just.

The grounds for the Application are:

1. the Tribunal erred in making a decision that is unsupported by the evidence;
2. the Tribunal erroneously interpreted and applied provisions of the *Canadian Human Rights Act*;
3. the Tribunal lost or exceeded its jurisdiction by basing its decision on extraneous considerations;
4. the Tribunal erred in making a decision that is unreasonable;
5. the Tribunal erred in making a decision that is inconsistent with principles of fairness; and
6. such further and others grounds as counsel may advise.

This Application will be supported by the following material:

1. the Certified Tribunal Record;
2. affidavit evidence of the Applicant, as applicable; and
3. such further and other materials as counsel may advise and this Honourable Court may permit.

The Applicant requests that the Tribunal send a certified copy of the record upon which its Merits Decision was based to the Applicant and to the Registry within 20 days.

September 14, 2022

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