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03-FEB-2023		
Robert Mvondo		
WPG		

Court File No. T-231-23

FEDERAL COURT

BETWEEN:

ELIZABETH PORTMAN,

Applicant,

- and -

NATIONAL RESEARCH COUNCIL OF CANADA,

Respondent.

APPLICATION UNDER SECTION 18.1 OF THE *FEDERAL COURTS ACT*

NOTICE OF APPLICATION

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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 the City of Winnipeg in the Province of Manitoba.

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.

February 3, 2023

Issued by: (ROBERT) BUYE M'VONDO
(Registry Officer) WPGRO05
Federal Court of Canada
363 Broadway, 4th Floor
Winnipeg, MB R3C 3N9

TO: Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1

AND TO: National Research Council of Canada
1200 Montreal Road, Building M-58
Ottawa, Ontario K1A 0R6

APPLICATION

This is an application for judicial review in respect of a decision dated December 21, 2022 and received on January 6, 2023 issued by the Canadian Human Rights Commission (the "Commission") deciding not to deal with the applicant's complaint pursuant to section 41(1)(d) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6.

1. The applicant makes application for:
 - a. an Order that the decision of the Commission dated December 21, 2022 be quashed (the "Decision");
 - b. the costs of this Application; and
 - c. such further and other relief as may be required and this Honourable Court may deem just in the circumstances of this case.

2. The grounds for the application are:
 - a. the *Federal Courts Act*, R.S.C., 1985, c. F-7 ("*Federal Courts Act*"), as amended, and in particular sections 18 and 18.1;
 - b. the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6, as amended;
 - c. the Commission is a federal board, commission or other tribunal pursuant to the *Federal Courts Act*,

- d. the applicant filed a complaint with the Commission and against the National Research Council of Canada for discrimination on the basis of disability in the provision of services;
- e. in the Decision, “the Commission decides, pursuant to paragraph 41(1)(d) of the Canadian Human Rights Act (“Act”), not to deal with the complaint because the National Building Code is not a “service” within the meaning of the Act and therefore a case of discrimination within the meaning of the Act cannot be established.”
- f. the applicant says that the Decision is unreasonable because the reasons for the Decision state a conclusion, and do not meet the requisite standard of justification, transparency, and intelligibility.

3. This application will be supported by the following material:

- a. the affidavit of Elizabeth Portman, to be filed; and
- b. such further and other documentary evidence as counsel may provide and this Honourable Court may allow.

4. The applicant requests the Commission to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Commission to the applicant and to the Registry:

a. the Record and all material relevant to this application.

February 3, 2023



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