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F I L E D	FEDERAL COURT COUR FÉDÉRALE  February 09, 2023 09 février 2023
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Court File No.

**IN THE FEDERAL COURT OF CANADA**  
**IN THE MATTER OF THE *CANADIAN HUMAN RIGHTS ACT***

BETWEEN

**MICHAEL DESSON**

APPLICANT

AND

**CANADA (ATTORNEY GENERAL)**

RESPONDENT

**NOTICE OF APPLICATION**

APPLICATION UNDER THE *FEDERAL COURTS ACT* AND RULE 301

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

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 Vancouver, British Columbia.

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: \_\_\_\_\_

Issued by: \_\_\_\_\_  
(Registry Officer)

Address of local office:

Federal Court of Canada  
Pacific Centre, P.O. Box 10065  
701 West Georgia Street  
Vancouver, BC V7Y 1B6

TO:

The Honourable David Lametti  
Minister of Justice and Attorney General of Canada  
Department of Justice  
284 Wellington Street  
Ottawa, ON K1A 0H8

### APPLICATION

This is an application for judicial review in respect of a Canadian Human Rights Tribunal (“CHRT”) decision dated January 10, 2023, cited as 2023 CHRT 1 (the “Decision”).

The Applicant makes application for:

- a) An order that the Decision be quashed and then remitted back to CHRT Member Langlois for reconsideration in light of the Court’s direction;
- b) Costs; and,
- c) Such further relief as this Honorable Court considers just.

The grounds for the application are:

1. The CHRT did not comply with the *Canadian Human Rights Tribunal Rules of Procedure*, 2021, resulting in procedural unfairness.
2. The CHRT erred by assessing/permitting expert evidence that did not comply with the rules of evidence or *Canadian Human Rights Tribunal Rules of Procedure*, 2021, resulting in findings that were unreasonable and procedurally unfair.

3. The CHRT erred in law in its selection and application of the relevant legal standard.
4. The CHRT circumscribed its jurisdiction and failed to deal with the entirety of the complaint.
5. The Adjudicator issued a decision which was unreasonable in light of the facts, evidence and law.
6. Any further grounds as counsel may advise.
7. The applicant relies on the following statutory provisions: ss. 7, 10 of the *Canadian Human Rights Act*, RSC 1985, c H-6; *Canadian Human Rights Tribunal Rules of Procedure*, 2021 (SOR/2021-137); ss. 17, 18, 18.1 of the *Federal Courts Act*, RSC 1985, c F-7; and Rule 301 of the *Federal Courts Rules*.

This application will be supported by the following material:

1. Affidavit #1 of Caitlin Atkinson, to be affirmed;
2. Transcripts for CHRT hearing days; and
3. Such other materials as counsel may advise.

Date: February 9, 2023



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