

FEDERAL COURT

BETWEEN:

KAREN TYLER

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
25-AUG-2023		
Robert Mvondo		
WPG	-1-	

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPLICATION
(Section 18.1 of the *Federal Courts Act*)

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 Winnipeg or virtually.

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 prepare a notice of appearance in Form 305 prescribed by the *Federal Courts Rules*, and serve it on the applicant's solicitor, or where 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.

August 25, 2023

Issued by: (Robert) Buye MÉVONDO

(Registry Officer)

WPGRO05

Address of

local office: 400 - 363 Broadway, Winnipeg,
Manitoba, R3C 3N9

TO: Attorney General of Canada

AND TO: Canadian Human Rights Commission
344 Slater Street
Ottawa, ON K1A 1E1

APPLICATION

This is an application for judicial review in respect of the decision of the Canadian Human Rights Commission (“Commission”), which was communicated to the Applicant by letter dated July 27, 2023. By its decision, the Commission decided not to deal with part of the Applicant’s human rights complaint (Commission File No. 20160049) pursuant to paragraph 41(1)(d) of the *Canadian Human Rights Act* because another procedure had addressed some of the allegations of discrimination in the complaint.

The Commission concluded that no other procedure had adequately addressed the Applicant’s allegations related to a meeting on April 16, 2015 in which the Applicant’s supervisor referred to the Applicant’s severely ill daughter as “trouble”, as well as the allegation that the Canada Revenue Agency refused to re-hire the Applicant or extend her employment. The Commission therefore decided to deal with those two allegations. The remaining allegations in the Applicant’s complaint were dismissed on the basis that a harassment investigation had adequately addressed them.

The decision of the Commission was received by the Applicant on July 27, 2023.

THE APPLICANT MAKES APPLICATION FOR:

- (a) An Order allowing this application for judicial review, with costs;
- (b) An Order setting aside the dismissal of part of the Applicant’s complaint in the Commission’s decision, dated July 27, 2023;
- (c) An Order remitting the matter back to the Commission for reconsideration in accordance with the directions of the Court; and,

- (d) Such further and other relief as counsel may advise and this Honourable Court will permit.

THE GROUNDS FOR THE APPLICATION ARE:

- (a) The Commission failed to observe the principles of natural justice and procedural fairness in the course of arriving at its decision not to deal with the Applicant's complaint, within the meaning of paragraph 18.1(4)(b) of the *Federal Courts Act*;
- (e) The Commission erred in law in arriving at its decision not to deal with the Applicant's complaint, within the meaning of paragraph 18.1(4)(c) of the *Federal Courts Act*;
- (f) The Commission based its decision not to deal with the Applicant's complaint on erroneous findings of fact made in a perverse and capricious manner and without regard to the material before it, within the meaning of paragraph 18.1(4)(d) of the *Federal Courts Act*, including by rendering its decision without regard to the submissions and evidence presented by the Applicant in response to the Section 40/41 Report; and,
- (g) Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

- (a) The Affidavit of Karen Tyler or such further or other affidavit, including the exhibits attached thereto;
- (h) The complete record of the material that was before the Commission in

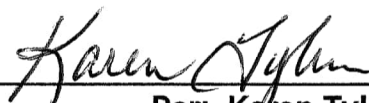
respect of its decision, dated July 27, 2023; and

- (i) Such further and other material as counsel may advise and this Honourable Court may permit.

THE APPLICANT REQUESTS pursuant to Rule 317 of the *Federal Courts Rules* that the Commission 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 full record of all material which was before the Commission at the time of the decision, dated July 27, 2023.

Dated at Winnipeg this 25th day of August, 2023.



Per: Karen Tyler

255 Aldine St.
Winnipeg, MB
R3J 3A9

Applicant