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Patterson v. Toronto District School Board

Andre Patterson, Applicant and Toronto District School Board and Donna Quan, Respondents

Ontario Human Rights Tribunal

David Muir V-Chair

Judgment: January 16, 2014

Docket: 2012-12018-I

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Counsel: Counsel — not provided

Subject: Constitutional; Employment; Civil Practice and Procedure

Human rights --- Practice and procedure — Commissions, tribunals and boards of inquiry —
Recording hearing

David Muir V-Chair:

1 This case is scheduled for hearing beginning January 20, 21 and 22, 2014.

2 The applicant has asked that the hearing be recorded.

3 The normal practice of the Tribunal is that it does not record proceedings but has the discretion to do so. This case is currently scheduled for three days. It is very unlikely that it will conclude in the days currently scheduled. Several more days will be required and will be scheduled next week.

4 At the heart of this case is the applicant's contention that he was not selected to enter a pool of qualified candidates for senior administrative positions in whole or in part because of his age, ancestry, colour, race, association and reprisal. The applicant has little direct evidence of discrimination but relies on circumstantial evidence. The parties intend to call 17 witnesses. It is not clear at this stage whether all of these witnesses will be necessary but presumably the bulk of them will give evidence.

5 I note that the respondent initially objected to the applicant's request but then withdrew

it subject to the applicant producing a transcript at his expense.

6 Having regard to the length of the hearing, the fact that hearing dates will likely be scheduled over several months; the nature of the allegations and the evidence produced with respect to those allegations the Tribunal will record the evidence in the hearing.

7 The equipment available for recording hearings at the Tribunal is not often used and is not always reliable. The Tribunal does not guarantee the quality of any recording made. Technical difficulties will not be allowed to delay the hearing in any significant way. The audio recording is for the use of the parties in the hearing. The recording may not be disseminated, publicised or used for any purpose other than in the proceeding.

8 The Tribunal will not except in extra-ordinary circumstances refer to the recording during the hearing. The parties will be expected to rely on their notes during the hearing. At the conclusion of each block of days of hearing a CD of the audio recording will be provided to the parties on their request. Whether the parties will be afforded time to review the audio recording of the evidence before making final submissions is a matter which will be addressed in the hearing.

9 I am not seized of this case.

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History

Direct History

=> **1 Patterson v. Toronto District School Board, (Ont. Human Rights Trib. Jan 16, 2014)**

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Westlaw has no direct history for this case

Trial Court

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Trial Court

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No references were found within the scope of KeyCite's citing case coverage.