

**Human Rights Tribunal  
of Ontario**

655 Bay Street, 14th Floor  
Toronto ON M7A 2A3  
Tel: (416) 326-1312  
Toll-free: 1-866-598-0322  
TTY: 416-326-2027  
TTY Toll-Free: 1-866-607-1240  
Fax: 416-326-2199  
Fax Toll-Free: 1-866-355-6099  
E-mail: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)  
Website: [www.hrto.ca](http://www.hrto.ca)

**Tribunal des droits de la personne  
de l'Ontario**

655, rue Bay, 14e étage  
Toronto ON M7A 2A3  
Tél.: 416-326-1312  
Sans frais: 1-866-598-0322  
Téléscripteur: 416-326-2027  
Téléscripteur sans frais: 1-866-607-1240  
Télec.: 416-326-2199  
Télec sans frais: 1-866-355-6099  
Courriel: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)  
Site Web: [www.hrto.ca](http://www.hrto.ca)



**NOTICE OF CONFIRMATION OF HEARING**

**HRTO FILE: 2010-07633-I**

November 22, 2011

Lloyd Tapp  
252 Angeline St. North  
Lindsay, Ontario K9V-4R1

Marnie Corbold  
Legal Service Branch  
Ministry of Community Safety and  
Correctional Services.  
655 Bay Street, ste 501  
Toronto, Ontario M7A 0A8

**Re: Michael Jack v. Her Majesty the Queen in Right of Ontario as  
represented by the Ministry of Community Safety & Correctional  
Services and operating as the Ontario Provincial Police**

The Application **2010-07633-I** has been scheduled for hearing on  
**May 22, 23 and 24, 2012** at **655 Bay St, 14<sup>th</sup> Floor, Toronto,  
Ontario** commencing at **9:30 a.m.**

**ATTENDANCE**

Requests for adjournments will be dealt with in accordance with the HRTO's  
Practice Direction on Scheduling of Hearings and Mediations, Rescheduling

Requests, and Requests for Adjournments located on the HRTO's website at <http://www.hrto.ca/hrto/?q=en/node/46>.

If you are unable to attend the hearing on the date(s) scheduled, you need to act quickly to arrange for rescheduling.

You are strongly encouraged to agree on mutually available dates that are within 12 weeks of the original hearing date(s). If the parties are able to agree on alternative dates, one party must advise the HRTO Registrar in writing **within 14 days of the Notice of Confirmation of Hearing**. The HRTO will make every effort to schedule the hearing for dates provided by the parties.

If the parties are unable to agree on alternative dates, the party asking that the hearing be rescheduled must contact the HRTO Registrar in writing, **copied to the other parties**, and provide five alternative dates (or blocks of dates if the hearing is scheduled for multiple days) that are within 12 weeks of the originally scheduled hearing date(s). **This must be done within 14 days of the date of the Notice of Confirmation of Hearing**. The HRTO will contact the other parties to try to find mutually agreeable dates. If, after a reasonable number of attempts, the parties are unable to agree on dates, the HRTO will set the dates for the hearing without agreement of the parties. Please remember to provide copies to the other parties of anything you send to the HRTO Registrar.

If this hearing date was scheduled after consultation with the parties the HRTO will only adjourn or reschedule the hearing in exceptional circumstances.

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## **CONSEQUENCES OF FAILING TO ATTEND THE HEARING**

If you fail to attend the hearing after receiving proper notice the HRTO may:

- proceed in your absence;
- determine you are not entitled to further notice of the proceedings;
- determine you are not entitled to present evidence or make submissions to the HRTO;
- decide the Application based solely on the materials before the HRTO;
- dismiss the Application as abandoned if the applicant fails to attend, and;
- take any other action the HRTO considers appropriate.



The HRTO will send information to the address you have provided to us. If your contact information changes, you must advise the HRTO immediately

## **ACCOMMODATION**

You, your representative and your witnesses are entitled to accommodation of any *Human Rights Code*-related needs. The HRTO's Policy on Accommodation and Accessibility is available at <http://www.hrto.ca/hrto/?q=en/node/44>. Notify the Registrar as soon as possible if accommodation is required.

## **RULES, GUIDES, POLICIES AND PRACTICE DIRECTIONS**

Please review the HRTO's Rules of Procedure, Guides, Policies and Practice Directions available at [www.hrto.ca](http://www.hrto.ca), by email [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca), by phone (toll-free at 1-866-598-0322 or in Toronto at 416-326-1312 or TTY toll-free at 1-866-607-1240 or TTY Toronto 416-326-2027) or in person at 655 Bay St, 14<sup>th</sup> Floor, Toronto, Ontario. These documents are available in a variety of accessible formats.

## **IMPORTANT INFORMATION**

### **Steps to Be Taken By December 13, 2011 - Disclosure of Arguably Relevant Documents (Rule 16.1)**

1. By **December 13, 2011** you must deliver to every other party:
  - a list of all arguably relevant documents in the party's possession. Where privilege is claimed over any document the party must describe the nature of the document and the reason for making the claim; and
  - a copy of each document contained on the list, excluding any documents for which privilege is claimed.

File a Statement of Delivery (Form 23) with the HRTO confirming delivery of the list and documents on the other parties. You do not need to file copies of the documents with the HRTO at this time.

### **Steps to Be Taken by April 10, 2012- Disclosure and Filing of Documents to be Relied Upon, Witness Lists, and Summary of Each Witness' Evidence (Rules 16.2, 16.3, 17.1, and 17.2)**

2. Unless otherwise directed by the HRTO, not later than **April 10, 2012** you must deliver to every other party and file with the HRTO:

- a list of all documents you intends to rely on at the hearing;
- a copy of each document on that list for the HRTTO;
- a copy of every document on that list for each party or confirmation every document has already been provided to the other parties;
- a witness list that includes the name of every witness, including expert witnesses, you intend to present to the HRTTO;
- a statement summarizing the expected evidence of each witness;
- where you intend to rely on the evidence of a proposed expert witness, a copy of the expert's written report or a full summary of the expert's proposed evidence and the expert's curriculum vitae;
- the Statement of Delivery of the Rule 16.2 list and documents on the other parties.

3. No party may rely or present any document not included on the document list and provided to the other parties and filed with the HRTTO in accordance with the above, except with the permission of the HRTTO.

4. No party may present a witness whose name and summary of evidence was not included in the witness list delivered and filed in accordance with Rule 17, except with the permission of the HRTTO.

### **Consequences of Failure to Disclose or Produce Documents (Rule 5)**

The HRTTO may refuse to allow the party to present evidence or make submissions about a fact or issue which was not raised in its pleadings or witness statements.

### **Filing Documents With the HRTTO (Rule 1)**

All written communications must be addressed to the Registrar. Any document, including emails, **must** be copied to the other parties before being filed with the HRTTO. The HRTTO cannot accept any materials unless you confirm that they have been copied to the other parties. See Rules 1.12 and 1.20.

Documents filed with the HRTTO as email attachments may not exceed 10 Mb. See Rule 1.17(e).

At least two hard copies of any document larger than 20 pages must be provided to the HRTTO. One of the copies must be unbound. See Rule 1.19.1. If you are filing bound documents with the HRTTO please provide an index to the bound documents and, if possible, an electronic version.