



# Human Rights Tribunal of Ontario

## Response to a Request for an Order - Rule 10, 11, 19, 19A (Form 11)

(Disponible en français)

[www.hrto.ca](http://www.hrto.ca)

If you want to respond to a request for dismissal without a full response (Form 2); Request to Intervene (Form 5); Request to Withdraw (Form 9); Request for an Order During Proceedings (Form 10); or Request for Summary Hearing (Form 26) please complete this Response to a Request for an Order (Form 11).

### Follow these steps to respond to the request:

1. Fill out this Form 11.
2. All documents you are relying on must be included with the Form 11.
3. Deliver a copy of the Form 11 to any party, person, or organization named in the Request and, if required, to any named trade union or occupational or professional organization identified in the Application or any other person or organization identified as an affected person in the Response.
4. Complete a Statement of Delivery (Form 23).
5. File the Form 11 and Form 23 with the Tribunal.

You must file a completed Form 11 no later than **twenty-one (21) days** after the Request to Intervene (Form 5) was delivered to you.

You must file a completed Form 11 no later than **fourteen (14) days** after the Request for an Order During Proceedings (Form 10) was delivered to you.

You may respond to the Request for Summary Hearing (Form 26) by filing Form 11 no later than 14 days after the Request for Summary Hearing was delivered to you. The HRTTO may direct that a Response to the Request for Summary Hearing is required.

You must file a completed Form 11 no later than **two (2) days** after the Request to Withdraw (Form 9) was delivered to you.

Download forms from the Tribunal's web site [www.hrto.ca](http://www.hrto.ca). If you need a paper copy or accessible format, contact us.

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### 4. What are you Responding to? Please check the box that corresponds to what was requested.

- Request that applications be consolidated or heard together
- Request to add a party
- Request to adjourn
- Request to amend Application or Response
- Request to defer
- Request for extension of time
- Request to re-activate deferred Application
- Request for particulars
- Request for production of documents
- Other, please name:

Counsel for the respondent has filed a Form 10 application before the Tribunal requesting 4 orders:

- 1) An order or direction from the Tribunal clarifying the scope of the hearing
- 2) An order or direction from the Tribunal excluding certain documents from the hearing
- 3) An order or direction from the Tribunal excluding certain witnesses or part of their anticipated evidence and
- 4) An order or direction from the Tribunal excluding certain parts of the Will-say of the Applicant Mr. Jack.

### 5. What is your position on the Order requested?

With respect to each of the 4 requested orders or direction it is the position of the Applicant that:

- 1) The scheduled 3 days in May 2012 is not sufficient time given the fact that the Applicant intends to call approximately 15 to 20 witnesses.
- 2) It is the position of the Applicant and his Representative that each of the documents provided through the course of the disclosure is relevant to substantiating various items in the Application before the Tribunal.
- 3) It is the position of the Applicant and his Representative that the witnesses that the Counsel wishes to exclude or portions of their evidence are witnesses that will afford evidence of similar treatment, expert testimony and provide corroboration with respect to certain assertions of the Applicant in his statement.
- 4) The Will-say of Mr. Jack was reviewed by his former Counsel Kimberley Wolfe and found to be in compliance with all rules and procedures etc. What the Counsel is objecting to is information that is damaging to her defense.

### 6. What is your position on the manner in which the Request for Order should be dealt with?

The Applicant and his Representative concur with the Counsel and agree to a conference call. The Applicant wishes to be present and included in this conference call. His phone number for the assistance of the Counsel is: 011-972-8-8644496





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### 7. What are the reasons for your Response, including any facts relied on and representations in support of your Response?

Refer to Schedule 'E'

### 8. Indicate here whether you rely on any additional facts in your Response.

Refer to Schedule 'E'

### 9. If you are relying on any documentary evidence in this Response please list below and attach. You must include with this Response all the documents you are relying on.

Exhibit 122 – Copies of inculpatory statements by the respondents with excerpts of denials from the Counsel's response to the Application

### 10. Signature

By signing my name, I declare that, to the best of my knowledge, the information that is found in this form is complete and accurate.

Lloyd TAPP

Name

Signature

03/04/2012

Date (dd/mm/yyyy)

Please check this box if you are filing your response electronically. This represents your signature. You must fill in the date, above.

### Freedom of Information and Privacy

The Tribunal may release information about an Application in response to a request made under the *Freedom of Information and Protection of Privacy Act*. Information may also become public at a hearing, in a written decision, or in accordance with Tribunal policies. At the request of the Commission, the Tribunal must provide the Commission with copies of applications and responses filed with the Tribunal and may disclose other documents in its custody or control.