



Social Justice Tribunals Ontario

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Human Rights Tribunal of Ontario
655 Bay Street, 14th Floor
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Tribunaux de Justice sociale Ontario

Pour une justice accessible et équitable

Tribunal des droits de la personne de l'Ontario
655, rue Bay, 14^e étage
Toronto ON M7A 2A3
Tél.: 416-326-1312 ou 1-866-598-0322
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May 8, 2012

Lloyd Tapp
252 Angeline St. North
Lindsay, Ontario K9V-4R1
Via Email and Regular Mail

Lynette D'Souza
Legal Services Branch
Ministry of Community Safety and
Correctional Serv
655 Bay Bay Street, ste 501
Toronto, Ontario M7A 0A8
Via Email and Regular Mail

Re : Jack V. MCSCS/Ontario Provincial Police
HRTO File Number: 2010-07633-I

Please find enclosed a Case Assessment Direction of the Tribunal in this matter,
dated May 8, 2012.

Child and Family Services Review Board
Custody Review Board
Human Rights Tribunal of Ontario
Landlord and Tenant Board Ontario
Special Education (English) Tribunal Ontario
Special Education (French) Tribunal Ontario
Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille
Commission de révision des placements sous garde
Tribunal des droits de la personne de l'Ontario
Commission de la location immobilière
Tribunal de l'enfance en difficulté de l'Ontario (anglais)
Tribunal de l'enfance en difficulté de l'Ontario (français)
Tribunal de l'aide sociale



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Michael Jack

Applicant

-and-

**Her Majesty the Queen in Right of Ontario as represented by the Minister of
Community Safety and Correctional Services and operating as the Ontario
Provincial Police**

Respondent

CASE ASSESSMENT DIRECTION

Adjudicator: Keith Brennenstuhl

Date: May 8, 2012

File Number: 2010-07633-I

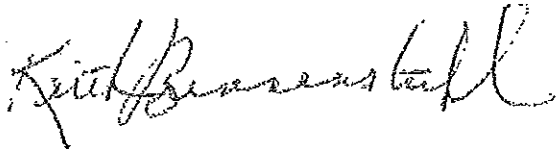
[1] The hearing in this matter is scheduled for May 22, 23 and 24, 2012.

[2] On May 2, 2012 the parties participated in a case management conference call. During the conference call I gave the following directions:

- (a) That at the beginning of the hearing the applicant and the respondent will deliver concise opening statements;
- (b) That the hearing would be bifurcated as between liability and remedy;
- (c) That the scheduled hearing dates will be dedicated to examination-in-chief, cross-examination and reply, if appropriate, of the applicant only;
- (d) That the parties need not bring any witnesses to the hearing on the scheduled hearing days, May 22, 23 and 24, 2012;
- (e) That following the applicant's evidence the parties should be prepared to make argument as to whether the Application has a reasonable prospect of success. In this regard and for your guidance the Tribunal's decisions in *Dabic v. Windsor Police Service*, 2010 HRTO 1994 and *Pellerin v. Conseil scolaire de district catholique Centre-Sud*, 2011 HRTO 1777 are attached;
- (f) That the scope of the hearing will be limited to whether the applicant was the subject of *Code*-related discrimination at the hands of the respondent during the course of his term as a probationary constable at the Peterborough Detachment of the OPP;
- (g) That no findings will be made about malicious prosecution, negligence or negligence under the *Police Services Act*;
- (h) That any document that is going to be tendered as an exhibit shall be redacted to exclude third party information to protect the privacy interests of those individuals who are not party to the proceeding;
- (i) Harry Allen Chase and Rui Pachecho will not be called upon as witnesses.
- (j) The following documents are to be removed from the Applicant's List of Exhibits: Exhibits 48, 63, 65, 71(b) and 95.

(k) That paragraphs 5, 6, 7 and 10 of Mark Greco's will-say statement, identified as Exhibit 71(a) in the Applicant's List of Exhibits, shall be deleted.

Dated at Toronto, this 8th day of May, 2012.

A handwritten signature in cursive script, appearing to read "Keith Brennenstuhl".

Keith Brennenstuhl
Vice-chair