



HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

**Borderland Pride, Northern Ontario Pride Network, Douglas W. Judson
and Katie Shoemaker**

Applicants

-and-

The Township of Emo, Harold McQuaker, Harrold Boven and Warren Toles

Respondents

CASE ASSESSMENT DIRECTION

Adjudicator: Karen Dawson

Date: November 2, 2023

File Number: 2020-41858-1

[1] A Case Management Conference Call (“CMCC”) was held by video conference on October 23, 2023 and counsel for all parties participated. This Case Assessment Direction (“CAD”) contains important directions for the merits hearing.

[2] It was estimated that 3 to 4 days will be required to hear the parties’ witnesses, including expert witnesses. Based on this information, it was decided that a five-day merits hearing will be scheduled.

[3] The parties will comply with the timelines in Rules 16 and 17 of the Tribunal’s Rules of Procedure (“the “Rules”) for delivery of their arguably relevant documents, witness lists, witness statements, expert reports and curriculum vitae and documents to be relied on at the hearing. This must include a witness statement for every party intending to give evidence, including each applicant and each respondent.

[4] Each witness’s witness statement or expert report, as the case may be, will be adopted under oath by the witness instead of providing oral evidence-in-chief. The witness will then be cross-examined under oath on their witness statement/expert report by the parties opposite. For this reason, the witnesses must be available on the hearing days for cross-examination by the other parties. Parties will have a right of re-examination, as necessary, at the hearing.

[5] If a party requires a summons to witness for any witness, they may submit a written request for a summons to the Registrar.

[6] The parties may participate in mediation/adjudication at the commencement of the merits hearing. To do so, they must complete and submit a Mediation/Adjudication Agreement to the Registrar no later than 7 days prior to the merits hearing. The Agreement can be found on the Tribunal’s website at <https://tribunalsontario.ca/documents/hrto/Other/SJT030E.pdf>.

[7] At least 14 days before the scheduled hearing, the parties must exchange and file with the Tribunal their briefs of authorities containing PDF copies of the case law they

intend to rely on. The portions of the cases the parties will be referring to during the hearing must be highlighted. This directive does not preclude the parties from relying on additional case law as may be necessary.

[8] Finally, the request for a summary hearing is denied.

DIRECTIONS

[9] A Notice of Hearing will be issued for a five-day merits hearing by video conference to be held the weeks of June 3 and 10, 2024. Subject to the Tribunal's availability, the hearing will be scheduled to take place June 4, 5, 6, 11 and 12, 2024. If I am scheduled for a writing week on either week, the Registrar will move the writing week to the week of June 17 and schedule the merits hearing on the dates set out above.

[10] The parties will comply with Rules 16 and 17 of the Tribunal's Rules of Procedure and the deadlines agreed to and set out above.

[11] To the extent there is any inconsistency between the requirements or deadlines in this CAD and any future Notice of Hearing, this CAD shall be followed.

Dated at Toronto, this 2nd day of November, 2023.



Karen Dawson
Vice-chair