



## Social Justice Tribunals Ontario

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Human Rights Tribunal of Ontario  
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Toronto ON M7A 2A3  
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## Tribunaux de justice sociale Ontario

*Pour une justice accessible et équitable*

Tribunal des droits de la personne de l'Ontario  
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Toronto ON M7A 2A3  
Tél.: 416-326-1312 ou 1-866-598-0322  
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February 19, 2013

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**regular mail**

Lynette D'Souza  
Legal Services Branch  
Ministry of Community Safety and  
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**Re: Jack v. Ontario (Community Safety and Correctional Services)**  
**HRTO File Number: 2010-07633-I**

Please find enclosed an Interim Decision of the Tribunal in this matter, dated February 19, 2013.

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

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**BETWEEN:**

**Michael Jack**

**Applicant**

**-and-**

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

**Respondent**

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## INTERIM DECISION

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**Adjudicator:** Keith Brennenstuhl  
**Date:** February 19, 2013  
**File Number:** 2010-07633-I  
**Citation:** 2013 HRTO 284  
**Indexed as:** Jack v. Ontario (Community Safety and Correctional Services)

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**WRITTEN SUBMISSIONS**

Michael Jack, Applicant

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)

Lloyd Tapp, Representative

Her Majesty the Queen as represented by  
the Minister of Community Safety and  
Correctional Services operating as the  
Ontario Provincial Police, Respondent

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)  
)  
)  
)

Lynette D'Souza, Counsel

[1] The Applicant has made a Request seeking the deferral of the Application to a civil claim recently filed by the applicant as against the respondent, among others, with the Ontario Court of Justice.

[2] The applicant submits that the Application should be deferred until the Court has determined whether the applicant's statement of claim can proceed through the civil courts.

[3] Deferral of an application ensures that proceedings dealing with the same issues do not run concurrently, thereby raising the possibility of inconsistent decisions on the facts or law.

[4] Some of the factors that may be relevant in deciding whether to defer consideration of an application are the subject matter of the other proceeding, the nature of the other proceeding, the type of remedies available in the other proceeding, and whether it would be fair overall to the parties to defer, having regard to the status of each proceeding and the steps that have been taken to pursue them.

[5] In this case the statement of claim before the Court raises the same circumstances that gave rise to the Application. It would appear that there is a significant overlap between the issues addressed in the Statement of Claim and the issues that the Tribunal would likely deal with in considering the Application.

[6] The respondent has agreed to the deferral. In these circumstances, I find that it is appropriate for the Tribunal to defer further consideration of the Application.

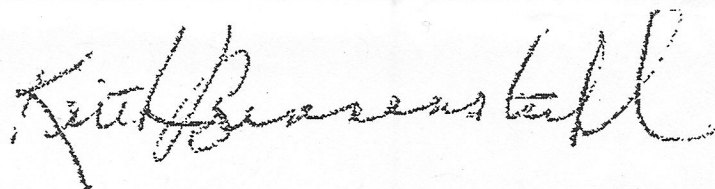
[7] The applicant has indicated that he will withdraw the Application should the Court allow the statement of claim to proceed through the civil courts.

[8] The Tribunal directs the parties' attention to Rules 14.3 and 14.4 which outline the process by which the Application may be brought back on before the Tribunal after

the Court has determined whether the statement of claim may proceed through the civil courts.

[9] The respondent seeks an order for the dismissal of the Application on the basis that, amongst others, the contents of the statement of claim amount to an abuse of the Tribunal's process. The Tribunal may address this matter if the Application is brought back on before the Tribunal.

Dated at Toronto, this 19<sup>th</sup> day of February, 2013.

A handwritten signature in cursive script, reading "Keith Brennenstuhl".

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Keith Brennenstuhl  
Vice-chair