



HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

Jessica Yaniv

Applicant

-and-

Canada Galaxy Pageant

Respondent

DECISION

Adjudicator: Lavinia Inbar

Date: July 28, 2025

File Number: 2019-37030-I

Citation: 2025 HRTO 1872

Indexed as: Yaniv v. Canada Galaxy Pageant

[1] This Application alleges discrimination contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”).

[2] On January 2, 2025, the Tribunal issued a Case Assessment Direction (“CAD”) directing the parties to prepare, exchange and file certain documents with the Tribunal within 56 days of the date of the CAD. The January 2, 2025, CAD identified for the applicant the potential consequences of not complying with the CAD.

[3] On February 23, 2025, the applicant emailed the Tribunal stating as follows: “I’ve been quite sick the past few weeks. I will aim to have this done by tomorrow for the items required for the 56 day CAD.”

[4] On February 24, 2025, the applicant emailed the Tribunal stating as follows: “I am dealing with an emergency and will require an extension as I need to guide my full attention towards this emergency right now. Thank you.”

[5] The applicant did not provide a timeline for the requested extension and did not at any time subsequently provide the required documents or otherwise communicate with the Tribunal, and the deadline for doing so (February 27, 2025), passed.

[6] On May 20, 2025, the applicant emailed the respondent, copying the Tribunal. The email stated:

Your “Witness” has been harassing me talking about this claim on Rebel News.

Until that is dealt with and I receive direction from the HRTO, I am not providing anything further.

[7] On June 9, 2025, the Tribunal issued a second CAD, in which the Tribunal acknowledged the applicant’s above communication, and directed the applicant to comply with the CAD of January 2, 2025, within seven days of the June 9, 2025, CAD. The June 9, 2025, CAD again identified for the applicant the potential consequences of not complying with the Tribunal’s directions.

[8] On June 16, 2025, the applicant filed: some documents to disclose; a two-sentence Case Summary which was not in compliance with the directions of the January 2, 2025, CAD; and a Witness List. Contrary to the directions of the CAD of January 2, 2025, the applicant did not file a Witness Statement for the witness listed. The applicant is also not listed on the Witness List (and did not provide a witness statement).

[9] With respect to Case Summaries, the January 2, 2025, CAD directed that:

- a. A brief summary of every issue to be determined at the merits hearing. This could include, for example, whether the applicant possesses a ground protected under the *Code*? Whether the applicant was reasonably accommodated? What is the appropriate quantum of damages? etc. The Case Summary is intended to supplement, not replace, the party's pleadings.
- b. A brief summary of any outstanding procedural or jurisdictional issue or any outstanding request not covered in "a" above.

The Case Summary is not intended to be exhaustive as to every detail of the events which took place but must address every procedural and substantive issue being raised by the party. If an issue, procedural or otherwise, has already been raised with the Tribunal but the Tribunal has not yet issued a ruling on that issue it must be included in the Case Summary.

[10] With respect to Witness Lists and Statements, the January 2, 2025, CAD directed that:

Within 56 days of the date of this CAD, each party must also deliver to the other parties and file with the Tribunal in respect of each non-expert witness on its witness list a detailed witness statement setting out the witness's evidence. This must include a witness statement for every party intending to give evidence, including the applicant.

No party may present a witness whose name was not disclosed in a witness list and whose witness statement or expert report was not provided to the other parties and filed with the Tribunal, except with the permission of the Tribunal. This includes the applicant themselves.

It is the Tribunal's intention that 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 or expert report by the party opposite. For this reason, each witness statement and expert report (if any) must set out in detail all of the evidence of the witness and reference all documents the witness intends to rely on.

[11] As of June 16, 2025, the applicant had not fully complied with the Tribunal's directions. The Divisional Court has held on numerous occasions (such as in *Sui v. Liang*, 2022 ONSC 5623) that the court's case management directions are not suggestions and they must be followed whether the parties agree with them or not. These statements apply equally to the directions of the Tribunal.

[12] In order to ensure the applicant's natural justice rights were fully respected, the Tribunal provided the applicant one final opportunity to comply with the directions of the CAD of January 2, 2025, specifically the directions with respect to Case Summaries and Witness Statements.

[13] In a CAD dated June 23, 2025, the applicant was directed to deliver to the other parties and file with the Tribunal a Case Summary and Witness Statement(s), within 3 days of the date of that CAD.

[14] The CAD warned the applicant as follows:

If the applicant does not file the information described above by the deadline noted, the Tribunal may deem them to have abandoned the Application and dismiss the Application in writing for that reason, without further notice to the parties.

[15] It is now past the deadline given in the CAD of June 23, 2025, and the applicant has not filed any materials with the Tribunal, nor have they otherwise communicated with the Tribunal. The CAD was emailed to the last email address provided by the applicant and has not been returned as undeliverable.

[16] In the circumstances, having conducted a review of the applicant's file, it is more probable than not that the applicant has abandoned the Application.

ORDER

[17] The Application is dismissed as abandoned.

Dated at Toronto, this 28th day of July, 2025.

A handwritten signature in blue ink, appearing to read "Lavinia", is written over a horizontal line.

Lavinia Inbar
Member