Court File No.: DC-25-00000929-00JR

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

B E T W E E N:

PHILIP ANISIMOV

Applicant

and

THE HUMAN RIGHTS TRIBUNAL OF ONTARIO and THE UNIVERSITY OF ONTARIO INSTITUTE OF TECHNOLOGY

Respondents

APPLICATION UNDER Rules 14.05(2) and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and Sections 2(1) and 6(1) of the *Judicial Review Procedure Act*, R.S.O. 1990, c J.1.

APPLICATION RECORD

April 10, 2026

CHARTER ADVOCATES CANADA
[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant

TABLE OF CONTENTS

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NOTICE OF APPLICATION TO DIVISIONAL COURT FOR JUDICIAL REVIEW

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION for judicial review will come on for a hearing before the Divisional Court on a date to be fixed by the registrar by the method of hearing requested by the applicant, unless the court orders otherwise. The applicant requests that this application be heard in person at the following location:

Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N5

on a date and time to be determined.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE

APPLICATION, you or your lawyer must, in additional to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court within thirty days after service on you of the applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN TO IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS APPLICATION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for hearing or terminated by any means within five years after the notice of application was filed with the court, unless otherwise ordered by the court.

Date: November 27, 2025

Issued by
Registrar
130 Queen Street West
Toronto, ON M5H 2N5

TO **Human Rights Tribunal Ontario**
[redacted]

AND TO **Paliare Roland Rosenberg Rothstein LLP**
[redacted]

Jodi Martin (LSO No.: 54966V)
[redacted]

Counsel for the Respondent,
University of Ontario Institute of Technology

AND TO **Crown Law Office – Civil**
[redacted]

APPLICATION

1. The Applicant, Philip Anisimov, makes application for:

    a. An order quashing the decision of the Ontario Human Rights Tribunal (the "**Tribunal**") dated September 22, 2025 dismissing the Applicant's application to the Tribunal (the "**Initial Decision**") and the Tribunal's refusal to reconsider the Initial Decision dated October 29, 2025 (the "**Reconsideration Decision**") (collectively, the "**Decision**");

    b. An order substituting a finding that the University of Ontario Institute of Technology (the "**University**") discriminated against the Applicant on the basis of his creed in the provision of services contrary to ss. 1 and 9 of the *Human Rights Code*, RSO 1990, c. H.19 (the "***Code***") and remitting the matter for the determination of appropriate damages;

    c. An order extending the time to bring this application, if necessary;

    d. An order that no costs be awarded for or against the Applicant who brings this application in the public interest; and

    e. Such further and other relief as counsel may advise and this Honourable Court may permit.

2. The grounds for the application are:

<u>The Parties</u>

    a. The Applicant, Philip Anisimov, is an engineering project manager and a former student of the University. He was enrolled in the University's engineering program at the relevant times;

    b. The Tribunal is an administrative decision maker statutorily empowered to hear applications for remedies to the infringements of human rights protected by the *Code*;

c. The University is a university established by the *University of Ontario Institute of Technology Act, 2002*, SO 2002 c. 8, Sched. O with the object, *inter alia*, of providing undergraduate and postgraduate university programs;

Factual Background

d. The Applicant is a Baptist Christian. He sincerely believes that he is required to follow religious commandments in the Bible. He believes that abortion is murder and that he is religiously obligated to avoid the fruits of sinful conduct, including abstaining from medications which were developed or otherwise brought to market using the byproducts of abortions;

e. The Applicant's religious beliefs and practices required him to abstain from the COVID-19 vaccines because they were brought to market having been tested on cells from the HEK-293 cell line, which was obtained from aborted fetal tissue;

f. The Applicant was enrolled in the University. But for the University's actions described below, the September 2021 – April 2022 academic year would have been his last before graduating;

g. On August 12, 2021, the University announced that it would be requiring students attending campus to be fully vaccinated against COVID-19 (the "**Vaccine Policy**"). The University permitted exceptions for medical reasons or other grounds recognized by the *Code*;

h. On August 23, 2021, the Applicant submitted a request to the University for an accommodation asking to be exempted from the Vaccine Policy because his religious beliefs prohibited him from receiving the COVID-19 vaccines The Applicant noted the use of fetal cells as the basis for his religious objection. The Applicant used the form provided by the University and kept his explanation brief to fit within the space allotted;

i. On August 30, 2021, the Chief Medical Officer of Health issued instructions to universities requiring that they create COVID-19 vaccine policies requiring that students attending campus either 1) provide proof of full vaccination against COVID-19; 2) provide written proof of a medical reason for not being fully vaccinated; or 3) complete an educational session. Unvaccinated individuals were required to regularly take antigen tests to prove they are not infected with COVID-19. The instructions permitted universities to remove the option of attending an educational session;

j. By October 4, 2021, the Applicant had not heard a response from the University and re-submitted his request for accommodation.

k. On October 5, 2021, the University rejected the Applicant's request for accommodation claiming it lacked detail and failed to identify the connection between the Applicant's creed and his request for accommodation;

l. That same day, on October 5, 2021, the Applicant replied to the University providing a lengthier and more detailed explanation of his religious objection to the COVID-19 vaccines, including biblical references and quotes. He explained that he had not received any vaccines since he was six years old and expressed his willingness to take alternative precautions including regular testing and mask wearing;

m. On October 12, 2021, the University again rejected the Applicant's request for accommodation. The University rejected the premise of the Applicant's religious objection stating that the vaccines' connection to abortion was "too remote to warrant accommodation in the face of a global pandemic" and argued that the Applicant's pro-life position was inconsistent with abstaining from vaccination;

n. On October 15, 2021, the Applicant replied to the University defending his position and arguing with the points raised by the University. He reiterated his religious objection to the vaccines and requested exemption from the Vaccine Policy;

o. On October 18, 2021, the University reiterated its rejection and stated that its position was final;

p. On November 9, 2021, the Applicant was notified that he would be deregistered from his in-person courses on November 12, 2021;

q. On November 17, 2021, the University granted the Applicant an "interim accommodation" for the fall term, permitting him to complete his in-person exams online. A similar interim accommodation was granted to all students who requested an exemption on the basis of a religious objection to the use of fetal cell lines. The University noted that it is not amending its decision;

r. In the winter term, the Applicant was deregistered from two courses with in-person components: Industrial Ergonomics and the Capstone course. Industrial Ergonomics had an in-person exam and the Capstone course had two in-person presentations at the end of the semester;

s. The Capstone course was a mandatory course. The Applicant's deregistration prevented him from graduating in 2022 as expected. As the Capstone course is a full-year course, he was required to take an additional year and ultimately graduated in June 2023.

The Decision

t. On December 16, 2021, the Applicant filed an application with the Tribunal (the "**Tribunal Application**") alleging that the University had failed to accommodate him on the basis of his creed contrary to the *Code*;

u. The Tribunal Application was heard by the Tribunal on April 15 and 16, 2025;

v. The Applicant testified and called one expert witness, Dr. Thomas Warren. Dr. Warren provided a report providing his expert opinion on the comparative risk of transmission of COVID-19 between a vaccinated, untested person and an unvaccinated person who has taken a rapid antigen test and received a negative result;

w. After a *voir dire*, the adjudicator, Lavinia Inbar (the "**Adjudicator**") excluded Dr. Warren's evidence on the grounds that "the Tribunal would not be making any determinations with respect to" the issues addressed in Dr. Warren's report.

x. The University called two witnesses: Monica Jain and Hossam Kishawy. Ms. Jain provided evidence about the University's accommodation process and its decision with respect to the Applicant. Dr. Kishawy is the Dean of the Faculty of Engineering and gave evidence about the Faculty's preference for in-person examination and presentations;

y. Ms. Jain also provided evidence about an unvaccinated student who, like the Applicant, was given an interim accommodation in the fall term (the "**Chemistry Student**"). Her evidence was that the Chemistry Student was allowed to attend campus once to complete a lab requirement;

z. Counsel for the Applicant argued that the Chemistry Student's accommodation proves that the University could permit an unvaccinated student to attend campus on a limited basis without undue hardship;

aa. In her closing submissions, counsel for the University submitted that the Chemistry Student's accommodation was distinguishable because the Chemistry Student was alone in the lab. In reply, counsel for the Applicant noted that whether the Chemistry Student was alone was not in evidence as Ms. Jain had said no such thing;

bb. The Tribunal rendered its Initial Decision on the Tribunal Application on September 22, 2025;

cc. In her reasons, the Adjudicator made a finding of fact that the Chemistry Student was alone in the lab. The Adjudicator ascribed this fact to Ms. Jain's evidence;

dd. The Adjudicator also found that the Applicant's religious beliefs were sincerely held;

ee. However, the Adjudicator held that not all beliefs ascribed to a religion constitute a creed for the purposes of the code. The Adjudicator held that the Applicant had "not pointed to any objective religious precepts that forbid vaccines, aside from his own interpretations of Biblical passages";

ff. The Adjudicator also found that the Applicant was required to establish that his belief about vaccines was "a tenet of an organization or at least a community comprised of more than a number of unconnected individuals who happen to be members of the same religion." She found the Applicant had not done so;

gg. The Adjudicator went on to consider, in the alternative, the remainder of the legal test applicable to the issue of *prima facie* discrimination. The Adjudicator held that the Applicant's protected characteristic was not a factor in the University's adverse treatment of him;

hh. The Adjudicator also found that the University could not have accommodated the Applicant by permitting him to attend campus after antigen testing because it would have caused undue hardship;

ii. On October 22, 2025, the Applicant requested that the Tribunal reconsider the Initial Decision because the Adjudicator misapplied the law with respect to religious beliefs protected by the *Code*, the test for *prima facie* discrimination, and the Adjudicator misapprehended the evidence about the Chemistry Student which led to the

unsubstantiated finding that the University could not allow the Applicant to attend campus with antigen testing on a limited basis without causing undue hardship;

jj. On October 29, 2025, the same Adjudicator rendered the Reconsideration Decision. Having reconsidered her own Initial Decision, she relied on her own reasons to affirm her findings with respect to the application of the *Code* to the Applicant's religious beliefs and the test for *prima facie* discrimination;

kk. The Adjudicator also held that if she had misapprehended the evidence regarding the Chemistry Student, it would not change her conclusion on undue hardship because whether the University could accommodate the Chemistry Student in the fall term was "not determinative" of whether the University could accommodate the Applicant in the winter term;

Legal Grounds

ll. The Decision (the Initial Decision and the Reconsideration Decision considered collectively) is incorrect and unreasonable because the Adjudicator failed to apply the correct test for a protected religious belief under the Code;

mm. The Decision is incorrect and unreasonable because the Adjudicator did not apply the correct legal test to the issue of *prima facie* discrimination and whether the adverse impact suffered by the Applicant was connected to his religious belief;

nn. The Decision is incorrect and unreasonable because the Adjudicator made findings of fact without a basis in the evidence before her which had a material impact on the conclusions she reached about undue hardship;

oo. The Decision is incorrect and unreasonable because the Adjudicator excluded the evidence of Dr. Warren on the basis that the Tribunal would not make any determinations on the issue of comparative risk between vaccinated individuals and unvaccinated individuals with negative antigen test results. However, the

Adjudicator contradictorily based her finding of undue hardship on the basis that the University could not accommodate the Applicant by permitting antigen testing (along with other safety precautions) "because of the health and safety considerations at play at the time." The Adjudicator ultimate determination was based on an issue that Dr. Warren provided evidence on.

pp. The Decision is incorrect and unreasonable because the above impugned findings are unjustifiable in light of the factual and legal constraints and were not justified by a rational chain of analysis;

qq. The Reconsideration Decision is tainted by a reasonable apprehension of bias because the Adjudicator could not impartially consider whether her own Initial Decision was flawed for the reasons argued by the Applicant. The Tribunal should have assigned a different adjudicator to consider the request for reconsideration; and

rr. If the above errors are corrected, the factual record before the Tribunal which was accepted by the Adjudicator leads to the inevitable conclusion that the Applicant was discriminated against on the basis of his creed and the University failed to accommodate him up to a point of undue hardship; and

ss. Given the inevitability of the conclusion that the University breached its duties to the Applicant under the *Code*, the Court should quash the Decision, substitute a finding that the University violated the Applicant's right under the *Code* to be free from discrimination on the basis of creed, and remit the matter to the Tribunal to determine the appropriate quantum of damages.

3. The following documentary evidence will be used at the hearing of the application:

a. The Record of Proceedings;

b. The affidavit of Darren Leung, to be sworn;

c. The affidavit of Philip Anisimov, to be sworn; and

d. Such further and other evidence as counsel may advise and this Honourable Court may permit.

November 27, 2025

[redacted]

Hatim Kheir

CHARTER ADVOCATES CANADA

[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant

PHILIP ANISIMOV

APPLICANT

-and-

THE HUMAN RIGHTS TRIBUNAL OF ONTARIO et al.

RESPONDENTS

Court File No.:

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding Commenced at TORONTO

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

CHARTER ADVOCATES CANADA

[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant

HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

Philip Anisimov

Applicant

-and-

Ontario Tech University

Respondent

DECISION

Adjudicator:	Lavinia Inbar
Date:	September 22, 2025
File Number:	2021-48071-I
Citation:	2025 HRTO 2377
Indexed as:	**Anisimov v. Ontario Tech University**

APPEARANCES

Philip Anisimov, Applicant	)	Hatim Kheir, Counsel
Ontario Tech University, Respondent	)	Jodi Martin, Counsel

INTRODUCTION

[1] This Application alleges discrimination with respect to services because of creed, contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "*Code*").

[2] The applicant was a student enrolled at the respondent university. When the respondent implemented a mandatory vaccine requirement, the applicant requested an exemption on the basis of creed. He informed the respondent that, as a devout Christian, he could not receive the COVID-19 vaccines due to their connection to aborted fetal cells. The applicant alleges that the respondent refused to accommodate the applicant and deregistered him from a full-year course. As a result, the applicant had to take an additional year to complete his degree.

[3] For the reasons below, I find that the Application should be dismissed.

LEGAL FRAMEWORK

[4] The relevant provisions of the *Code* are Sections 1, 11, and 17:

> 1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
>
> 11. (1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,
>
> (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
>
> (b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right.
>
> (2) The Tribunal or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be

> accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.
>
> 17 (1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of disability.

***Prima Facie* test**

[5] The onus is on the applicant to establish a *prima facie* case of discrimination. The test for *prima facie* discrimination as set out by the Supreme Court in *Moore v. British Columbia (Education)* 2012 SCC 61 at para. 33 *(*"*Moore*"), can be summarized as follows:

- The applicant has a protected characteristic under the *Code;*
- The applicant suffered disadvantage or adverse impact; and
- The protected characteristic was a factor in the disadvantage or adverse impact.

[6] See *British Columbia Human Rights Tribunal v. Schrenk*, 2017 SCC 62, at para. 86, *Stewart v. Elk Valley Coal Corp.*, 2017 SCC 30, at para. 69, and *Québec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, at para. 35.

[7] In *Garofalo v. Cavalier Hair Stylists Shop Inc.*, 2013 HRTO 170, at para. 155, the Tribunal further noted:

> . . . If the applicant establishes a *prima facie* case of discrimination, the respondent must establish, on a balance of probabilities, a statutory defence and/or a credible non-discriminatory explanation for the impugned treatment. If the respondent is able to rebut the applicant's *prima facie* case of discrimination, the burden returns to the applicant to establish, on a balance of probabilities, that the respondent's explanation is erroneous or a pretext for discrimination. See *Wedley v. Northview Co-operative Homes Inc.*, 2008 HRTO 13 at para. 52. The ultimate issue is whether the applicant has proven, on a balance of probabilities, that a violation of the *Code* has occurred. Although an evidentiary burden to rebut discrimination may shift to the respondent, the onus of proving discrimination remains on the

> applicant throughout. See *Ontario (Disability Support Program) v. Tranchemontagne*, 2010 ONCA 593 at paras. 112 and 119.

Duty to Accommodate

[8] The duty to accommodate is a co-operative and collaborative process. See *Chappell v. Securitas Canada Limited*, 2012 HRTO 874, at para. 27 and *Central Okanagan School District No. 23 v. Renaud*, 1992 CanLII 81 (SCC).

[9] A failure by a respondent to take the appropriate steps in the procedural duty to accommodate is a violation of a right under Part 1 of the *Code*. See *Hamilton-Wentworth District School Board v. Fair*, 2016 ONCA 421 at para. 51, citing *Lee v. Kawartha Pine Ridge District School Board*, 2014 HRTO 1212 at para. 95, and *ADGA Group Consultants Inc. v. Lane*, 91 OR (3d) 649, 2008 CanLII 39605 (Div. Ct.), at paras. 107 and 113.

Credibility and Reliability

[10] The assessment of credibility is generally determined by applying the principles set out by the British Columbia Court of Appeal in *Faryna v. Chorny*, 1951 CanLII 252 (BCCA), [1952] 2 DLR 354 at pp. 356-57:

> … Opportunities for knowledge, powers of observation, judgment and memory, ability to describe clearly what he has seen and heard, as well as other factors, combine to produce what is called credibility…
>
> The credibility of interested witnesses, particularly in cases of conflict of evidence cannot be gauged solely by the test of whether the personal demeanor of the particular witness carried conviction of the truth. The test must reasonably subject his story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, the real test of the truth of the story of the witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions…. Again, a witness may testify to what he sincerely believes to be true, but he may be quite honestly mistaken.

[11] In *R v. Morrissey*, (1995), 1995 CanLII 3498 (ON CA), 97 CCC (3d) 193 (CA) at p. 205, the Court of Appeal addressed the reliability of testimonial evidence, and the interaction between credibility and reliability:

> Testimonial evidence can raise veracity and accuracy concerns. The former relate to the witness's sincerity, that is his or her willingness to speak the truth as the witness believes it to be. The latter concerns relate to the actual accuracy of the witness's testimony. The accuracy of a witness's testimony involves considerations of the witness's ability to accurately observe, recall and recount the events in issue. When one is concerned with a witness's veracity, one speaks of the witness's credibility. When one is concerned with the accuracy of a witness's testimony, one speaks of the reliability of that testimony. Obviously a witness whose evidence on a point is not credible cannot give reliable evidence on that point. The evidence of a credible, that is honest witness, may, however, still be unreliable.

[12] A witness' testimony is not considered in isolation, but rather in the context of the evidence as a whole. See *FH v. McDougall*, 2008 SCC 53 at para. 58.

Evidence

[13] Evidence in the hearing was by way of sworn witness statements entered as exhibits, oral evidence, and documents entered as exhibits. The witnesses were the applicant, another witness for the applicant who is a medical doctor and an infectious diseases consultant and medical microbiologist, and two witnesses for the respondent university: the Director of Careers, Counselling and Accessibility for the respondent, and the Dean of the Faculty of Engineering and Applied Sciences at the respondent university. All documents referred to in this Decision, were entered as exhibits or as a part of an exhibit.

Applicant's Evidence

[14] The applicant self-identifies as a "Protestant Christian within the Baptist Church." His evidence is that he sincerely believes that being a devout Christian requires following the moral imperatives in the Bible and that according to the Bible, murder is forbidden. The applicant cites Exodus 20:13; Deuteronomy 5:17; Revelation 22:15. The applicant

believes “that this prohibition extends to abortion because in scripture, pre-born children are regarded as people with their own purposes.” The applicant cites Luke 1:39-44; Jeremiah 1:5; Psalm 139:13-16.

[15] The applicant’s evidence is that his religious opposition to abortion includes an opposition to those things which have been developed or brought to market in reliance on abortion because the Bible warns against using the fruits of evil. The applicant cites Proverbs 1:10-19; Hebrews 11:24-26. Accordingly, the applicant believes that abstaining from such products is a necessary and integral part of living a Biblically grounded life in accordance with God’s will.

[16] The applicant’s evidence is that in accordance with his Christian beliefs, he believes that it would be immoral to take the COVID-19 vaccines as it would entail benefiting from the consequences of abortion.

[17] The applicant’s evidence is that in September 2017, he began a degree at the respondent university and in March 2020, due to the COVID-19 pandemic, the respondent transitioned to online delivery of courses.

[18] It is the applicant’s evidence that he completed all of his courses online for the remainder of the 2020 winter term. It was the applicant’s understanding that courses remained online for the 2020-2021 academic year. However, during that year the applicant completed an internship.

[19] According to the applicant, in August 2021, the respondent announced that students would be required to provide proof of vaccination against COVID-19 to attend courses and activities on campus. It is the evidence of the applicant that from the start of the academic year on September 3 until October 17, 2021, students were allowed to provide proof of a negative rapid antigen test result. Beginning October 17, 2021, unvaccinated students were only allowed to attend campus if they obtained an accommodation.

[20] The applicant's evidence is that in accordance with his Christian beliefs, he believes that it would be immoral to take the COVID-19 vaccines as it would entail benefiting from the consequences of abortion as the cell lines used in the development of the vaccines involved were derived from aborted human tissue.

[21] The applicant's evidence is that on August 23, 2021, he submitted his completed accommodation form to Student Accessibility Services ("SAS"). On the form he explained his religiously based concerns. It is the applicant's evidence that his concerns were as follows:

> First, I objected to the use of fetal cell lines which I view as tantamount to cannibalism. Second, I had concerns about the impact of the vaccines on my health and, as a temple of the Holy Spirit, I feel obligated to avoid taking something that I think may risk my health. The form had three lines for me to explain my belief which prevents me from being vaccinated. I have since realized that the form will allow for more text by reducing the font size of the text. I did not know this at the time and kept my explanation brief.

[22] It is the applicant's evidence that as he did not hear back from SAS, he resubmitted his form on October 4, 2021. SAS responded on October 5, 2021, rejecting his request for accommodation because it lacked detail and did not identify the connection between his creed and his request for accommodation. On October 5, 2021, the applicant requested that SAS reconsider his request and provided a more detailed explanation of his beliefs. He responded to a request about his vaccination history stating he had not received any vaccines since he was six years old. It is the applicant's evidence that he "expressed [his] willingness to take alternative safety measures including taking COVID-19 tests regularly, wearing masks and regularly washing [his] hands." On October 12, 2021, his request was again rejected. On October 15, 2021, he responded to SAS, expressing his disagreement with the decision and reiterating his willingness to take COVID-19 tests. On October 18, 2021, his request was again rejected.

[23] It is the applicant's evidence that in early November 2021, he was informed that the respondent had agreed to provide him with an interim accommodation for the fall term and he was able to complete his exams online.

[24] It is the applicant's evidence that on November 18, 2021, he was deregistered from all his courses but then re-registered and he was able to complete his fall term courses pursuant to the accommodation by completing his courses online.

[25] It is the applicant's evidence that in the winter term he was deregistered from two courses: MANE3460U ("Industrial Ergonomics") and ENGR4951U, which was a full-year capstone course (the "Capstone Course"). According to the applicant, the Capstone Course consisted entirely of group work to produce a capstone project which would be presented at the end of the year. The applicant's evidence is that the only in-person components of the course were two presentations to be given near the end of the semester.

[26] It is the applicant's evidence that to the best of his recollection, the only mandatory in-person component of Industrial Ergonomics was the final exam. The applicant does not remember if the course required in-person tutorials. It is the applicant's evidence that if he had been accommodated and allowed to attend the two presentations and complete the Industrial Ergonomics final exam online, he could have completed the course and completed his degree by April 2022. Being deregistered from the Capstone Course required him to take an additional year in 2022-2023. He completed the Capstone Course in April 2023 and received his diploma on May 11, 2023.

[27] It is the applicant's evidence that the additional year of education cost him $3,399.33 and as a result of his delayed graduation, he was delayed in progressing in his employment by one year. The applicant's evidence is that prior to graduation he was paid $25.00 per hour, but that after graduating he could be paid as an engineer and received an annual salary of $78,000. In support of this assertion, the applicant provides a paystub for the period between April 30, 2023, and May 6, 2023, and one from the period between August 16, 2023 and August 31, 2023, from the same employer.

[28] It is the evidence of the applicant that the denial of his requested accommodation and the subsequent de-registration caused him "a great deal of stress and anxiety due to

the uncertainty it created around his future." It is his evidence that his mental health declined to the point that he was diagnosed with severe depression.

The Applicant's Second Witness

[29] The applicant also called as an expert witness a medical doctor, Dr. Thomas Warren, who is an Infectious Diseases consultant and Medical Microbiologist. I reviewed the witness's *curriculum vitae* and expert report. The export report dealt with the following issues:

> a. Do COVID vaccines prevent transmission? If not, do COVID vaccines decrease transmission?
>
> b. How does the risk of transmission from a vaccinated, untested person compare to that of a person who is unvaccinated but has taken a rapid antigen test and received a negative result?
>
> c. If an unvaccinated person poses a greater risk of transmission, to what extent is that risk mitigated when in a population where nearly everyone else is vaccinated?

[30] The witness testified in the *voir dire* to determine if he would be qualified as an expert witness. However, I did not qualify this witness as an expert witness, as the Tribunal would not be making any determinations with respect to the above issues. The witness did not testify again after the *voir dire*.

Respondent's Evidence

[31] The respondent called two witnesses.

The Respondent's First Witness

[32] The respondent's first witness was the respondent's Director of Careers, Counselling and Accessibility, Monica Jain.

[33] It is the evidence of this witness that on March 11, 2020, the World Health Organization declared COVID-19 a pandemic. The next day, the Ontario government ordered all publicly funded schools to temporarily close based on a recommendation from Ontario's Chief Medical Officer of Health. The University took steps to quickly transition to emergency remote learning so that students would have the opportunity to finish their studies with limited disruptions. On March 17, 2020, the Ontario government declared a state of emergency and issued a stay-at-home order to slow the pace of COVID-19. Ontario Tech immediately closed all non-essential facilities. The University immediately made the necessary changes to finish transitioning students to emergency remote learning.

[34] It is the evidence of this witness that in or around July 2021, Canada (and specifically Ontario) began experiencing a surge in COVID-cases stemming from the Delta variant. Due to growing concerns over the health and safety of the university community on reopening in fall 2021 without capacity limits and physical distancing requirements, Colleges Ontario and the Council of Ontario Universities sent a joint letter to the Minister of Colleges and Universities and the Minister of Health requesting a province-wide vaccination policy and the use of a validation system for the post-secondary education sector.

[35] The evidence of the witness is that the respondent had significant concerns about allowing its community members to congregate in enclosed spaces for extended periods of time, despite the safety measures being implemented by the respondent. It is the evidence of the witness that to further ensure the health and safety of its community, on August 6, 2021, the respondent made the decision to mandate vaccination for certain members of its community who would be involved in high-risk campus related activities including individuals participating in varsity athletics and research participants attending campus.

[36] The witness’s evidence is that in mid-August 2021, the Council of Ontario Medical Officers of Health, in consultation with the Chief Medical Officer of Health, recommended that Ontario universities mandate vaccinations for all in-person activities. Within a week,

the Chief Medical Officer of Health issued formal instructions requiring post-secondary education institutions such as the respondent to establish, implement, and ensure compliance with a COVID vaccination policy for employees, staff, contractors, volunteers and students. These instructions were enforced through subsection 2(2.1) of Schedule 1 and Schedule 4 of Regulation 364/20 under the *Reopening Ontario (A Flexible Response to COVID-19) Act,* 2020, S.O. 2020, c. 17.

[37] The witness's evidence is that the Ministry of Colleges and Universities issued a framework confirming the vaccination requirement and addressing the implementation of the Chief Medical Officer of Health's instructions. It released further guidance, also confirming the requirement for a vaccination mandate, a week later.

[38] On August 12, 2021, in line with the Joint Letter sent by the Council of Ontario Universities on August 6, 2021, the university announced the Vaccination Directive, which, among other things, required students to provide proof of full vaccination against COVID-19 in order to be involved in any in-person activities on University premises, including enrollment and participation in any courses designated as "in-person".

[39] It is the evidence of this witness that on September 1, 2021, in accordance with the provincial government's instructions, the respondent implemented a mandatory vaccination policy. The decision was made by the respondent's Provost and Vice-President, Academic and was informed by experts, rising infection rates in the broader community, as well as advice from public health authorities at the time that vaccinations were the best defence against COVID. Under the respondent's vaccination policy, all students, faculty and staff needed to upload proof that they were fully vaccinated, or that they received an exemption from the respondent based on a human rights ground in order to attend campus.

[40] It is the evidence of this witness that in recognizing that not everyone could comply by the first day of the fall term, the respondent allowed community members who were not yet fully vaccinated or had not yet received a human rights-based exemption to access campus by submitting a negative COVID-19 rapid antigen test. This testing protocol was

a temporary measure to be in place until October 17, 2021, after which time students, faculty and staff were required to upload proof of vaccination or an approved exemption to attend campus.

[41] The evidence of the witness is that students seeking to be exempted from the vaccination requirement on the basis of their creed were required to complete the COVID-19 Vaccination Accommodation Application form designed for such requests and to submit the form to SAS via email. The form required applicants to identify the Creed/Religion (including denomination) that they belonged to as well as the length of their membership. Applicants were also asked to identify if their creed had prevented them from taking all vaccines in the past or just the COVID-19 vaccines. If the student was opposed to COVID-19 vaccines in particular, the form required them to indicate the specific reasons they were opposed to COVID-19 vaccines in particular and how this opposition was linked to their creed.

[42] The evidence of the witness is that all students who requested a creed-based exemption because of the alleged connection between fetal cells and the vaccines were granted an interim accommodation until the end of the Fall 2021 semester to provide the University with sufficient time to review the information available on this alleged connection. The interim accommodation allowed these students to complete their fall 2021 courses online with the exception of one student who was allowed to attend campus on a single day to complete his lab requirements. That student had to provide a negative antigen test, was alone in the lab, and had to leave the campus immediately when he was done.

[43] The evidence of the witness is that they were designated as the Person of Authority to review and decide on creed-based requests for exemption from the Vaccine Directive in order to maintain consistency and given that the University administration did not know how many requests would be submitted. The witness reviewed guidance from Human Rights Commissions across Canada and consulted the Director of the respondent's Human Rights Office, on each case. The Director and the witness developed a process to assess creed-based exemptions. They reviewed the relevant legal framework, the

elements needed to establish a creed-based exemption as well as how to address common concerns raised by students seeking such exemptions such as the safety and efficacy of the vaccines, the development of the vaccines through testing on fetal cells and arguments regarding the personal freedom to not be vaccinated.

[44] The witness's evidence is that they also considered that the HEK 293 cell line (a fetal cell line used to test certain COVID-19 vaccines) is widely used. This cell line is used to test over the counter medications, such as Tylenol, Advil, Aleve, and Pepto-Bismol. It is also several generations removed from the original source. The applicant's evidence is that they discovered that nobody could identify whether the source of the fetal cell tissue came from an elective abortion, a therapeutic abortion, or a miscarriage.

[45] It is the witness's evidence that they denied the applicant's first exemption request for "lack of detail and an insufficient connection between a creed-related need and the accommodation being sought," and the second on the basis that "the connection to abortion is too remote to warrant accommodation in the face of a global pandemic that pose[d] an immediate health risk to University members." The witness stated in their response to the applicant, that the "HEK-293 cell were not used to develop MRNA vaccines; there is no cell content in the MRNA vaccines and the vaccines were simply tested on the historical cell lines after they were developed." The witness's evidence cites the research they considered in making their decision.

[46] It is the witness's evidence that following the second denial of the applicant's exemption request, the applicant provided a third submission stating that in his opinion, the connection between aborted fetal cells and the vaccines was not too remote to warrant accommodation.

[47] It is the evidence of the witness that the applicant downplayed the risk he would pose in the university community if he was not vaccinated, noting that he was willing to take rapid antigen tests and mask when attending on campus. In response to the witness's observation that countless medications have used the same cells lines in their development, the applicant took the position that this was not relevant as the university

did not know his medication history. It is the witness's evidence that the applicant took the position that if even the creator of the cell line did not know their origin, he was justified in suspecting the cell line and vaccine developers of negligence and/or dishonesty. The applicant argued that the vaccines were experimental and therefore not safe. A copy (entered as evidence) of the applicant's third exemption request confirms this summary by the witness of the applicant's request.

[48] It is the evidence of the witness that on October 18, 2021, they issued a final decision in response to the applicant's third submission, stating that their position remained unchanged.

[49] It is the evidence of the witness that by October 4 and 15, 2021, the respondent emailed the university community reminding students that they could not attend campus without being vaccinated or without an approved exemption as of October 17, 2021. On November 9, 2021, the applicant received communications from the Registry Office regarding deregistration due to non-compliance with the University's Vaccine Directive.

[50] It is the evidence of the witness that it had no record of receiving any request from the applicant prior to October 4, 2021. However, given the applicant's claim that he had first submitted an exemption application on August 23, 2021, and his expressed concern about the alleged connection between the vaccines and fetal cells, the University provided the applicant with an interim accommodation so that he could complete his three in-person exams virtually.

[51] It is the evidence of the witness that they understood the respondent to be complying with the instructions and the guidance from public health officials. On the basis of the information available from public health at the time, the witness understood that mandatory vaccination was necessary to protect the health and safety of their university community in the midst of a global health emergency.

[52] Under cross examination the witness was questioned about the instructions issued by the Office of the Chief Medical Officer of Health, which required organizations such as the respondent's to:

> establish, implement, and ensure compliance with a COVID-19 vaccination policy requiring its employees, staff, contractors, volunteers, and students (herein referred to as "Required Individuals") who attend campus to provide:
>
> a) proof of full vaccination against COVID-19; or
>
> b) written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason; or
>
> c) proof of completing an educational session approved by the Covered Organization about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason.

[53] It was pointed out to the witness that their third option was to simply complete an educational session. The witness responded that the instructions permitted the respondent to opt out of this option. The instructions provide that "[d]espite paragraph 1, a Covered Organization may decide to remove the option set out in paragraph 1(c) and require all Required Individuals to either provide the proof required in paragraph 1 (a) or (b)." The witness testified that they did not know of any university in Ontario that kept option c.

[54] It was also pointed out to the witness that the instructions also provide that an individual relying on options b or c could instead submit to regular antigen testing. The evidence of the witness is that the testing protocol was a temporary measure to be in place until October 17, 2021, after which time students, faculty and staff needed to upload proof of vaccination or an approved exemption to attend campus.

The Respondent's Second Witness

[55] The respondent's other witness was Hossam Kishway, a Professor of Manufacturing Engineering and the Dean of the Faculty of Engineering and Applied Sciences at the respondent university and had been in this position since March 2020.

[56] As noted above, the applicant's evidence is that he was deregistered from two courses: the Capstone Course (a full-year course) and the Industrial Ergonomics course. The applicant's evidence is that being deregistered from the Capstone Course required him to take an additional year in 2022-2023.

[57] Regarding the Capstone Course, it is the evidence of the respondent's witness, that a key requirement of the course is the ability to engage with industry leaders and stakeholders by conducting a project presentation. It is the evidence of the witness that students complete the course work as part of a team working on a real-world, open-ended design problem. According to the witness, from a learning perspective, it is important that these students meet in person to work on their projects. This extends to the project presentation which is a presentation done by the team in person and was worth 25% of a student's mark. It is the evidence of the witness that the pandemic demonstrated that remote delivery is not an effective method for project presentations, nor is it effective for assessing the presentation skills of students. Communication skills is one of the 12 "Graduate Attributes" that the respondent's engineering programs are required to assess as part of the accreditation process for the regulator body, Engineers Canada ("EC"). The EC's Accreditation Board Accreditation Criteria and Procedures document describing these "Graduate Attributes" was entered as evidence.

[58] Under cross-examination, the witness testified that large classes for which the respondent could not protect the students from the risk of COVID-19, were delivered online. However, the Capstone Course was a small class and required students to attend in groups of four or five at a time for their presentations. While the midterm exam for this course was online, the final exam was in person.

[59] Regarding the Industrial Ergonomics course, it is the evidence of the respondent's witness that a key requirement of the course is an in-person final exam. This is best done in person so if any issues arise during the exam or students have questions, the instructor can easily provide clarification to the class. In-person final exams also allow for verification of the individuals writing the final. Remote, online final exams are limiting in terms of the type of questions that can be used by a faculty member (for example, hand-drawing grafts). Further, it is impossible to guarantee with 100% certainty the academic integrity of a remote, online final exam because there is no ability to provide invigilation.

[60] The evidence of the witness is that no students were permitted to complete a virtual exam for the Industrial Ergonomics course or present virtually for the Capstone Course in the Winter 2022 semester.

[61] It is the evidence of this witness that the accreditation board of EC instructed institutions to apply their normal academic standards in adapting to changes necessitated by COVID-19 and deferred to the expertise of the learning institutions. A statement from the accreditation board, published March 30, 2020, containing this instruction was entered as an exhibit. These two courses were assessed under the normal academic standards, and it was determined that distance learning assignments would not be at the same level as any equivalent full or part-time courses being delivered in-person. The student would have been disadvantaged in comparison with campus-based students which is specifically prohibited by EC.

[62] Under cross-examination, the witness testified that the experience across Canada of online testing was that there were problems in terms of the integrity of the testing as students' scores had been too high, so testing was changed to being in-person. The witness testified that assessment is important in engineering courses because engineers can make decisions that affect the community.

[63] Under cross-examination, the witness testified that the Capstone Course was delivered online in winter 2020 when there was no vaccine and academic integrity

suffered greatly as a result. The witness testified that that experience was a “wake up” that it could not be done that way.

[64] Under cross-examination, the witness testified that while some courses remained online, the chance of cheating in those courses was lower, for example when students were each given different questions so that they could not collaborate. The witness testified that however, the Capstone Course was different in that in was the only time the students had to work as a team to demonstrate all of their learning; if they could not demonstrate that ability, they could not work on the outside as an engineer.

ANALYSIS

[65] As noted above, the onus is on the applicant to establish a *prima facie* case of discrimination in accordance with the test set out in *Moore* at para. 33.

(i) Does the applicant have a protected characteristic under the *Code*?

[66] The first branch of the test in *Moore* asks whether the applicant has a protected characteristic under the *Code*. The applicant alleges discrimination in services on the basis of creed.

[67] The *Code* does not define creed. Creed may include non-religious belief systems that, like religion, substantially influence a person’s identity, world view and way of life.

[68] The Divisional Court found in *Jazairi v. Ontario (Human Rights Commission)* 1997 CanLII 12445 (ON SC) that “religious belief is a component of the term creed” (para. 38) and that “it is significant that s. 5(1) of the *Code* does not enumerate ‘religion’ as a prohibited ground of discrimination.” The Court went on to say at para. 39: “In my view, although the term creed is capable of including a comprehensive set of principles, its ordinary meaning within s. 5(1) requires an element of religious belief.”

[69] The Supreme Court of Canada *Syndicat Northcrest v. Amselem* 2004 SCC 47, held, at para. 46, that:

> freedom of religion consists of the freedom to undertake practices and harbour beliefs, having a nexus with religion, in which an individual demonstrates he or she sincerely believes or is sincerely undertaking in order to connect with the divine or as a function of his or her spiritual faith, irrespective of whether a particular practice or belief is required by official religious dogma or is in conformity with the position of religious officials.

[70] The Ontario Human Rights Commission ("OHRC") has a “Policy on Preventing Discrimination Based on Creed” (approved by the OHRC on September 17, 2015). The OHRC’s policy suggests that the following characteristics are relevant when determining if a belief system is a creed within the meaning of the *Code*:

- Is sincerely, freely and deeply held;
- Is integrally linked to a person’s identity, self-definition and fulfilment;
- Is a particular and comprehensive, overarching system of belief that governs one’s conduct and practices;
- Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence;
- Has some nexus or connection to an organization or community that professes a shared system of belief.

[71] The Tribunal is not bound by the policies of the OHRC. However, in accordance with section 45.5 of the *Code*, I have considered this document. I agree with and adopt the policy of the OHRC and note that this Tribunal has applied these characteristics of creed, for example in, *Yeomans v. Superette*, 2021 HRTO 1067 and *Oulds v. Bluewater Health*, 2023 HRTO 1134 (“*Oulds*”). See also *Oulds v. Attorney General of Ontario, et al.* 2025 ONSC 2763.

[72] The applicant’s religious beliefs appear to be sincerely held, notwithstanding the applicant’s assertions about the safety of the vaccines and the science behind them. I accept that these assertions were made in response to the respondent having raised them first.

[73] With respect to whether the applicant's beliefs are integrally linked to his identity, self-definition and fulfilment, the evidence is inconclusive, but I am prepared to accept, without deciding, that they are.

[74] Christianity, like any major religion, provides a particular and comprehensive, overarching system of belief that governs an adherent's conduct and practices, but what is unclear is if the applicant's belief about vaccinations, which is not shared by all Christians, is part of this belief system. There was no determinative evidence from either party, of whether the applicant's objection to the vaccines is part of such an overarching system. But again, I am prepared to accept, without deciding, that it is.

[75] It is not controversial that Christianity in general addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence. However, the applicant's interpretation of Christian precepts is largely based on his personal beliefs.

[76] A belief or practice based in the belief, does not become part of a creed simply because a person has both the belief and the creed and finds support for their belief or practice in the creed. The creed may well provide support for many different beliefs.

[77] The protections of the *Code* do not cover beliefs, not matter how sincerely or widely held. Just because a person has a religion, and has beliefs that they ascribe to that religion, it does not mean that the beliefs constitute a creed for the purposes of the *Code*.

[78] In addition to personal beliefs, to establish a creed, the Tribunal has previously held that an objective principle or guideline that prohibits a practice, is required. In *L.L. v. Dollarama* 2022 HRTO 974 **,** a case where the applicant alleged that they could not wear a mask due to their creed, the Tribunal noted that the applicant had referenced some Christian teachings in their submissions but had not pointed to any objective principle that prohibits the conduct. At para. 8, the Tribunal stated:

> The applicant has applied some Christian teachings to his submissions, but has not pointed to any objective religious precept that forbids wearing a mask. The mere assertion that wearing a mask is contrary to one's religion does not make it so. This Tribunal held in *Barker v. St. Elizabeth Health Care* 2016 HRTO 94 at para. 34 that
>
> … where there is an issue as to whether a particular practice or belief is "rooted in religion" or has a "nexus with religion", there is a need for an applicant to bring forward at least some objective evidence, beyond her or his own say so or subjective belief, to prove a link or connection between the practice or belief and the specific religion at issue.

[79] The applicant has not pointed to any objective religious precepts that forbid vaccines, aside from his own interpretations of Biblical passages.

[80] Similarly, the applicant has not established some nexus or connection to an organization or community that professes a shared system of belief. While it is not necessary for religious leaders to endorse a belief for it to have some nexus to an organization or community, the applicant must be able to show that the belief is a tenet of an organization or at least a community comprised of more than a number of unconnected individuals who happen to be members of the same religion.

[81] Based on the evidence, I find that the applicant has not established the first branch of the SCC's test in *Moore*. Having made this finding, it is not necessary for me to consider the other two branches of the test in *Moore*. However, for the sake of completeness, I do so.

(ii) Did the applicant suffer disadvantage or adverse impact?

[82] I accept that the applicant having to take an extra year of school to complete the Capstone Course, may constitute a disadvantage or adverse impact.

(iii) Was the applicant's creed a factor in the disadvantage or adverse impact?

[83] Had the applicant established the first branch of the SCC's test in *Moore*, and accepting that he also established the second branch, it would remain for the applicant to establish the third branch. All three branches of the test must be satisfied for an applicant to establish a *prima facie* case of discrimination.

[84] The issue for the third branch of the *prima facie* test is whether or not the applicant's protected characteristic (creed), had it been established that he had a protected characteristic, was a factor in the disadvantage or adverse impact (having to take an extra year of school due to having been deregistered from two courses). For the reasons that follow, I find that the applicant would not establish the third branch.

[85] In considering the third branch of the test from *Moore*, I consider the reasons for the respondent's actions in not permitting the applicant to attend the university's campus while unvaccinated and not permitting the applicant to complete the Capstone course online. In doing so, I take into account the context of the COVID-19 pandemic.

[86] The applicant's request for a creed-based exemption to the respondent's vaccine requirement, was denied by the respondent in its October 5, 2021, decision in which the respondent advised that the request was denied "due to a lack of detail and an insufficient connection between a creed-related need and the accommodation being sought." In subsequent decisions, including the decision dated November 17, 2021 (which granted the applicant an interim accommodation), the respondent confirmed that it was "not amending its decision in regards to [the applicant's] accommodation application." The November 17, 2021, decision advised the applicant that the interim accommodations would "not extend into the Winter 2022 semester."

[87] To begin with, I look at the respondent's evidence of its actions when the applicant initially provided his reasons for not complying with the university's vaccination requirements. The respondent put considerable time and effort into researching the respondent's claims about the link between aborted fetuses and vaccines, the health and safety risks of the COVID-vaccines, and the province-wide requirements for universities, before making the decision not to permit the applicant to attend campus or complete the

Capstone course online. The respondent did not dismiss out of hand the applicant's reasons for not vaccinating. And its evidence, absent any evidence to the contrary from the applicant, would support a finding that the results of the respondent's research entirely informed its ultimate decisions which resulted in the disadvantage or adverse impact experienced by the applicant.

[88] To the extent that the applicant provides little or no evidence directly on the issue of the third branch of the *prima facie* test, the applicant does not establish, on a balance of probabilities, that his protected characteristic was a factor in the applicant having to take an extra year of school due to being deregistered from the Capstone course.

[89] However, the applicant gives extensive evidence with respect to his allegations of a lack of accommodation and submits that the refusal to accommodate the applicant was not reasonably necessary to protect the health and safety of staff and students. While this is an undue hardship related argument under subsection 11(2) of the *Code*, because the applicant raises it, I consider it with respect to the *prima facie* test, as well as with respect to the undue hardship analysis under subsection 11(2). As noted above, in applying the third branch of the *Moore* test, I consider the respondent's reasons for its actions. I also consider the respondent's reasons for its actions under the undue hardship analysis. Therefore, in the context of the instant case, the third branch of the *prima facie* and the undue hardship analyses overlap.

[90] If I apply the third branch of the *Moore* test to the applicant's health and safety evidence, I find that the applicant does not establish on a balance of probabilities, that his protected characteristic was a factor in his adverse treatment or disadvantage due to the respondent not accepting his proposed health and safety accommodations. My finding is based on the same reasons, following below, that I accept the respondent's undue hardship evidence.

Undue Hardship

[91] Had the applicant succeeded in establishing a *prima facie* case of discrimination, the respondent would have to establish, on a balance of probabilities, a statutory defence and/or a credible non-discriminatory explanation for the impugned treatment.

[92] According to subsection 11(2) of the *Code* the Tribunal cannot find that the vaccine requirement is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the applicant is a member cannot be accommodated without undue hardship.

[93] In *British Columbia (Public Service Employee Relations Commission) v. BCGSEU, 1999 CanLII 652 (SCC)*, [1999] 3 S.C.R. 3 ("*Meiorin*") and *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights), 1999 CanLII 646 (SCC)*, [1999] 3 S.C.R. 868 ("*Grismer*"), the Supreme Court prescribed the approach to be taken to the defence of a *bona fide* occupational requirement ("BFOR").

[94] *Meiorin* was an employment case, but *Grismer*, like the instant case, was a services case, the Supreme Court held, in *Grismer* at paras. 19 and 20, as follows:

> [19] While the *Meiorin* test was developed in the employment context, it applies to all claims for discrimination under the B.C. *Human Rights Code*.
>
> [20] Once the plaintiff establishes that the standard is *prima facie* discriminatory, the onus shifts to the defendant to prove on a balance of probabilities that the discriminatory standard is a BFOR or has a *bona fide* and reasonable justification. In order to establish this justification, the defendant must prove that:
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> (1) it adopted the standard for a purpose or goal that is rationally connected to the function being performed;
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> (2) it adopted the standard in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal; and
>
> (3) the standard is reasonably necessary to accomplish its purpose or goal, in the sense that the defendant cannot accommodate persons with the characteristics of the claimant without incurring undue hardship.

[95] If undue hardship is established, it becomes irrelevant whether or not the applicant met his onus of establishing a *prima facie* case. In *Peel Law Association v. Pieters*, 2013 ONCA 396, the Ontario Court of Appeal held, at paras. 82 and 83, that:

> [82] A *prima facie* case framework . . . governs the outcome in a case where the respondent declines to call evidence in response to the application.
>
> [83] On the other hand, in a case where the respondent calls evidence in response to the application, the *prima facie* case framework no longer serves that function. After a fully contested case, the task of the tribunal is to decide the ultimate issue whether the respondent discriminated against the applicant. After the case is over, whether the applicant has established a *prima facie* case, an interim question, no longer matters. The question to be decided is whether the applicant has satisfied the legal burden of proof of establishing on a balance of probabilities that the discrimination has occurred.

[96] The respondent in this case did call evidence. Therefore, I now consider the undue hardship test.

[97] The issue with respect to undue hardship would be whether the respondent could prove that the requirement is a *bona fide* occupational requirement or that the respondent has a *bona fide* and reasonable justification for imposing the requirement.

[98] The applicant submits that he established that the impugned requirement is *prima facie* discriminatory, and that the respondent's vaccine requirement was not a *bona fide* requirement.

[99] The applicant submits that the respondent refused to exempt the applicant from the vaccine requirement, and refused to accommodate the applicant's lack of vaccination by denying the applicant the options of completing the Capstone course online or providing negative antigen tests before attending the respondent's campus, washing his hands and wearing a mask.

[100] The respondent must provide a sufficient evidentiary basis establishing on a balance of probabilities that there was a *bona fide* requirement in the circumstances such

that the exemption from the requirement could not be accommodated without undue hardship.

[101] As submitted by the respondent, the Office of the Chief Medical Officer of Health issued instructions on August 30, 2021, requiring all universities in the province to have a mandatory vaccination policy. The evidence is that the Ministry of Colleges and Universities issued a framework confirming the vaccination requirement and addressing the implementation of the Chief Medical Officer of Health's instructions. The respondent announced the Vaccination Directive, which required students to provide proof of full vaccination against COVID-19 in line with the Joint Letter sent by the Council of Ontario Universities on August 6, 2021. These documents were provided by the respondent and made exhibits in the hearing.

[102] Part of the context of the COVID-19 pandemic was the uncertainty and changing landscape as 2020 and 2021 unfolded. Legislation and medical directives were developed over this period.

[103] I find that the respondent adopted the requirement for a purpose or goal that is rationally connected to the function being performed, protecting the respondent’s university community from COVID-19. I find it was reasonable and inevitable that for reasons of the health and safety of the members of the university community in the time of COVID-19, the respondent instituted a vaccination policy, in compliance with public health and province-wide directive. There is no suggestion and no evidence that there was a lack of good faith in the respondent’s adoption of the requirement for those reasons.

[104] For the following reasons, I find that an accommodation would not have been possible, without undue hardship to the respondent within the framework of that policy.

[105] The applicant was in fact accommodated for the fall term and permitted to take three exams online. I find that it was reasonable and in good faith, with respect to the respondent’s procedural duty to accommodate, that it granted an interim accommodation until the end of the fall 2021 semester to students who sought a creed-based exemption

due to the connection between fetal cells and vaccines, to give the respondent sufficient time to review the information available on this alleged connection in order to comply with their procedural duty to accommodate.

[106] Having then reviewed the information against the background of the public health and province-wide directives which were also reviewed, the respondent made its decision to deregister the applicant from the two courses. The respondent did so because it had determined that the applicant's personal beliefs did not amount to a creed under the *Code*, and also because it could not continue to provide the accommodations for health and safety reasons pursuant to the public health and province-wide directives.

[107] The applicant submits that a hybrid virtual/in-person delivery of the presentations could have been devised for the Capstone course and that he could have completed exams virtually. The applicant did not elaborate on how such a hybrid model would work in practice. However, I accept the evidence of the respondent, that due to the purposes and particular nature of the Capstone course, the course requirements of the group presentations to industry leaders and final exam, it could not be offered online.

[108] It is not clear if being deregistered from Industrial Ergonomics, which had an in-person final exam, also delayed the applicant's graduation, but even if it had, the applicant's graduation would have been delayed in any event by the deferral of the Capstone course to the next year.

[109] The applicant also submits that he could have been permitted to attend in-person with additional precautions such as taking rapid antigen tests. Whether the respondent was, in terms of risk of COVID-19 transmission factually or scientifically correct about the decision to stop accepting antigen tests as of October 17, 2021, is not, as can be inferred from my reasons (above) for not qualifying the applicant's proposed expert witness, an issue within the scope of my analysis. The context of the public health and regulatory protocols in place during the first two years of the pandemic must be considered. The respondent was obligated to comply with those protocols and its decision was informed by them.

[110] It is the evidence of the respondent's first witness that they understood the respondent to be complying with the instructions and the guidance from public health officials. The respondent was required to comply with the instructions of the Office of the Chief Medical Officer of Health which directed that every individual who is not fully vaccinated because of a "medical reason," would have to submit to regular antigen testing. The applicant did not have a medical reason, and the instructions required the respondent to implement and ensure compliance with a vaccination policy and require those who attend campus to either provide proof of full vaccination or written proof of a medical reason.

[111] The respondent has established that it instituted mandatory vaccination as it judged it necessary in order to protect the health and safety of the university's community. I find that the respondent could not accommodate the applicant in the ways that he wished—substituting antigen testing for vaccinations, washing hands, and wearing masks—as this would amount to undue hardship because of the health and safety considerations at play at the time. I find persuasive the respondent's reasons for not providing the in-person components of the Capstone and Industrial Ergonomics courses in some unspecified online format and accept that it would not otherwise be possible for the respondent to meet its obligations to EC with regard to engineering programs.

DECISION

[112] While, as noted above, in the face of a successful undue hardship argument the issue of a *prima facie* case is irrelevant, I would also find that the applicant has not, on a balance of probabilities, established a *prima facie* case of discrimination. I do not find that the applicant has a protected characteristic under the *Code.* Further, the respondent's actions in considering the applicant's request for accommodation support a finding that, had the applicant established that he had the protected characteristic of creed, the protected characteristic was not a factor in the applicant having to take an extra year of school due to being deregistered from certain courses. And finally, even if the applicant had established that he had a protected characteristic under the *Code* and the characteristic was a factor in the disadvantage or adverse impact experienced by the

applicant, the respondent called evidence in support of an undue hardship defence which I accept and find that the defence is made out.

[113] The applicant has not satisfied the legal burden of proof of establishing on a balance of probabilities that the discrimination has occurred, and has not established, on a balance of probabilities, that the respondent's explanation is erroneous or a pretext for discrimination.

[114] For these reasons, the Application must be dismissed.

ORDER

[115] The Application is dismissed.

Dated at Toronto, this 22nd day of September, 2025.

Lavinia Inbar
Member

HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

Philip Anisimov

Applicant

-and-

Ontario Tech University

Respondent

RECONSIDERATION DECISION

Adjudicator:	Lavinia Inbar
Date:	October 29, 2025
File Number:	2021-48071-I
Citation:	2025 HRTO 2702
Indexed as:	**Anisimov v. Ontario Tech University**

WRITTEN SUBMISSIONS

Philip Anisimov, Applicant	)	Hatim Kheir, Counsel

INTRODUCTION

[1] On August 12, 2025, the Tribunal issued Decision 2025 HRTO 2377, dismissing the Application. The applicant has asked the Tribunal to reconsider the Decision under section 45.7 of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "*Code*").

Background

[2] The Application alleged discrimination in services on the basis of creed, contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "*Code*").

[3] The applicant was a student enrolled at the respondent university. When the respondent implemented a mandatory vaccine requirement, the applicant requested an exemption on the basis of creed. He informed the respondent that, as a devout Christian, he could not receive the COVID-19 vaccines due to their connection to aborted fetal cells. The applicant alleged that the respondent refused to accommodate the applicant and deregistered him from two courses including a full-year course. As a result, the applicant had to take an additional year to complete his degree.

[4] A hearing on the merits of this Application was held on April 15 and 16, 2025 by videoconference. Both parties were represented by counsel.

THE LAW

[5] Under section 45.7 of the *Code*, the Tribunal may, at the request of a party or on its own initiative, reconsider its decisions in accordance with Tribunal's Rules of Procedure (the "Rules").

> 45.7(1) Any party to a proceeding before the Tribunal may request that the Tribunal reconsider its decision in accordance with the Tribunal rules.
>
> (2) Upon request under subsection (1) or on its own motion, the Tribunal may reconsider its decision in accordance with its rules.

[6] Rule 26 states:

> 26.1 Any party may request reconsideration of a final decision of the Tribunal within 30 days of the date of the decision.
>
> . . .
>
> 26.5 A Request for Reconsideration will not be granted unless the Tribunal is satisfied that:
>
> (a) there are new facts or evidence that could potentially be determinative of the case and that could not reasonably have been obtained earlier; or
>
> (b) the party seeking reconsideration was entitled to but, through no fault of its own, did not receive notice of the proceeding or a hearing; or
>
> (c) the decision or order which is the subject of the reconsideration request is in conflict with established jurisprudence or Tribunal procedure and the proposed reconsideration involves a matter of general or public importance; or
>
> (d) other factors exist that, in the opinion of the Tribunal, outweigh the public interest in the finality of Tribunal decisions.

[7] Under section 45.7 of the *Code* and Rule 26 of the Tribunal's Rules of Procedure, the Tribunal may reconsider its decisions; there is no right to have a decision reconsidered. Reconsideration is not an appeal, nor is it an opportunity for a party to present further arguments or change the way a case was presented. See *Landau v. Ontario (Minister of Finance)*, 2012 ONSC 6926 (Div. Ct.), at para. 17, and *Sigrist and Carson v. London District Catholic School Board*, 2008 HRTO 34 ("*Sigrist*").

[8] The Tribunal's Practice Direction on Reconsideration includes the following statements:

> Reconsideration is a discretionary remedy; there is no right to have a decision reconsidered by the HRTO. Reconsideration is not an appeal or an opportunity for a party to change the way it presented its case.

[9] In *Paul James v. York University and Ontario Human Rights Tribunal*, 2015 ONSC 2234, the Divisional Court found that it was reasonable for the Tribunal to decline to exercise discretion to reconsider its original decision in that case as:

> …there were no compelling and extraordinary circumstances for doing so and there were no circumstances which outweighed the public interest in the finality of orders and decisions of the Tribunal.

[10] In *Garrie v. Janus Joan Inc.*, 2012 HRTO 1955 ("*Garrie*") at paragraph 24, the Tribunal recognized that it must exercise its reconsideration power with care and stated:

> Importantly, however, the Tribunal must exercise this reconsideration power with care. As the Tribunal explained in [*Taranco v. Michedes*, 2009 HRTO 1439], at para. 15, the public interest in the finality of Tribunal decisions is important. It ensures that parties can consider Tribunal decisions final when they are made and that the Tribunal's resources are used wisely and in a way that fulfils its mandate under the *Code*. It also ensures that the Tribunal's decisions are not in a constant state of flux and can serve as an effective guide for members of the community as to their obligations under the *Code*.

[11] The Tribunal may decide when reconsideration is advisable, both through the promulgation of rules setting out conditions for the exercise of its discretion, and through the application of its discretion on a case-by-case basis.

THE REQUEST FOR RECONSIDERATION

[12] The Request for Reconsideration (the "Request") relies on Rules 26.5(c) and (d), as the reasons why the Tribunal should reconsider its Decision.

[13] The respondents were not required to respond to the applicant's Request.

ANALYSIS

[14] I find that the applicant has not met the burden of establishing any of the threshold criteria justifying reconsideration.

[15] As indicated above, the applicant relies on Rules 26.5 (c), and (d). Although I do not here address point by point the applicant's arguments in the Request, I have carefully considered them all. See *Clifford v. Ontario Municipal Employees Retirement System*, 2009 ONCA 670, 312 DLR (4th) 70. As the Supreme Court of Canada noted in *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)* 2011 SCC 62, [2011] 3 S.C.R. 708, at para. 16, "[r]easons may not include all the arguments, statutory provisions, jurisprudence or other details the reviewing judge would have preferred, but that does not impugn the validity of either the reasons or the result under a reasonableness analysis. See also M.M. *v. L.C.*, 2025 ONSC 741.

[16] In support of his Request, the applicant raises three issues:

> i. the Adjudicator failed to apply the *Amselem* test and inverted the subjective test for religious belief by requiring objective grounds for the Applicant's sincere belief that his faith required him to abstain from receiving COVID-19 vaccines;
>
> ii. the Adjudicator disregarded binding Court of Appeal jurisprudence that defines adverse impact discrimination as requiring merely that the Applicant's religion be connected to the adverse impact experienced; and
>
> iii. the Adjudicator misapprehended the evidence by adopting a factual claim made in the submissions of counsel for the Respondent which was unsupported by evidence into the findings of fact.

Rule 26.5(c)

[17] The applicant submits that the "above three errors wholly undermine the basis for the Decision and led to a legally and factually unsupportable dismissal of the application. Correcting the errors is necessary for the Tribunal to correct harmful precedents and ensure the fairness of its decisions."

[18] To the extent that the applicant disagrees with any of the findings in the Decision, I rely upon the reasons contained in the Decision and will not repeat them.

[19] I note however, with respect to the applicant's first issue, that while the Decision considered Syndicat *Northcrest v. Amselem*, 2004 SCC 47 ("*Amselem*"), the Decision also considered the relevant case law developed in the over two decades since *Amselem.*

[20] I note too, that even if the applicant is correct with respect the first two points, the Decision found that the respondent called evidence in support of an undue hardship defence which was accepted and the Decision found that the defence was made out.

[21] The Tribunal stated in *Sigrist* that a "conflict with established jurisprudence or procedure" requires (at a minimum) that there be a settled understanding about the legal rules that apply, and a clear and surprising departure from those legal rules. While the applicant clearly disagrees with the conclusions of the Tribunal, I am satisfied that the applicant's submissions on this Request do not establish, pursuant to Rule 26.5(c), that the Tribunal's Decision conflicts with established jurisprudence or procedure. Having made this finding, it is not necessary for me to consider whether the proposed reconsideration involves a matter of general or public importance.

Rule 26.5(d)

[22] With respect to Rule 26.5(d), the applicant submits that the "Decision also contains a finding of fact that was not in evidence, but merely asserted by counsel in closing submissions, which outweighs the public interest in the finality of Tribunal decisions."

[23] The "finding of fact" in question was that the Decision stated that the evidence of one of the respondent's witnesses was that a student who in the 2021 fall term was granted an interim creed-based accommodation and was allowed to attend campus on a single day to complete his lab requirement, was "alone" in the lab. The "misapprehension" was that it was not clear that the detail of the other student being "alone" in the lab was properly in evidence. The applicant further submits that "correcting the misapprehension of evidence completely undermines the Adjudicator's analysis on undue hardship." The applicant submits that if the respondent could allow the other student to attend campus in person, then it could have done the same for the applicant without undue hardship.

[24] I disagree.

[25] The finding of undue hardship was not dependant on whether or not another student who in the fall 2021 term was temporarily accommodated was “alone” in the lab. The fact that another student had been accommodated in a particular manner that semester, is not on its own, determinative of the issue of whether the respondent could accommodate the applicant in the applicant’s circumstance, in the following term (the winter term of 2022), without undue hardship.

[26] Additionally, I note that the interim accommodation granted to that student was during the time period, the 2021 fall term, when all students who requested a creed-based exemption because of the alleged connection between fetal cells and the vaccines were granted an interim accommodation until the end of the fall 2021 term, to provide the respondent with sufficient time to review the information available on this alleged connection. The interim accommodation allowed students to complete their fall 2021 courses online and applicant’s own evidence was that he was able to complete his courses that term pursuant to that accommodation. It was during the following term that the applicant was not accommodated.

[27] The Decision found that the respondent had been complying with the instructions and the guidance from public health officials during the time of the COVID-19 global pandemic. The Decision accepted the respondent’s reasons for not providing online the in-person requirements of the courses from which the applicant was de-registered.

[28] The crux of the Decision was the finding that accommodation on the applicant’s stated terms and in the particular circumstances of the applicant in the winter term of 2022, would not have been possible without undue hardship, for health and safety reasons (see subsection 11(2) of the *Code*) consistent with the guidance from the public health officials. Every accommodation request must be considered on its own facts and the Decision was made in the context of the factual situation presented in this specific case. As noted in the Decision:

> Part of the context of the COVID-19 pandemic was the uncertainty and changing landscape as 2020 and 2021 unfolded. Legislation and medical directives were developed over this period.

[29] I do not find factors exist, arising from the applicant's submissions regarding the "misapprehension" of evidence asserted by the applicant, that, in my opinion outweigh the public interest in the finality of Tribunal decisions pursuant to Rule 26.5(d).

Conclusion

[30] In sum, I find that the applicant has not established the existence of any of the criteria under Rule 26 that would lead to reconsideration of the Tribunal's Decision. And I do not find that there are compelling and extraordinary circumstances such that would warrant reconsidering the Decision.

[31] For these reasons, after reviewing the file, the law, the jurisprudence, and the details of the reconsideration request, I decline to exercise my discretion to reconsider the Decision.

ORDER

[32] The Request is refused.

Dated at Toronto, this 29th day of October, 2025.

[redacted]

Lavinia Inbar
Member

Court File No.: DC-25-00000929-00JR

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

B E T W E E N:

PHILIP ANISIMOV

Applicant

and

THE HUMAN RIGHTS TRIBUNAL OF ONTARIO and THE UNIVERSITY OF ONTARIO INSTITUTE OF TECHNOLOGY

Respondents

APPLICATION UNDER Rules 14.05(2) and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and Sections 2(1) and 6(1) of the *Judicial Review Procedure Act*, R.S.O. 1990, c J.1.

AFFIDAVIT OF DARREN LEUNG SWORN APRIL 7, 2026

I, DARREN LEUNG, of the City of [redacted] in the Province of Ontario, MAKE OATH AND SAY:

1. I am a staff lawyer with Charter Advocates Canada, which represents Philip Anisimov on this application and in the underlying application before the Human Rights Tribunal. As such, I have personal knowledge of the facts herein deposed, except where based on information and belief, in which case I verily believe the same to be true.

2. My colleague, Hatim Kheir, is counsel for Mr. Anisimov. In January of 2025, Mr. Kheir asked me to sit in and assist on the hearing (the "**Hearing**") of Mr. Anisimov's application against the University of Ontario Institute of Technology (the "**University**") before the Human Rights Tribunal of Ontario (the "**Tribunal**"). The Hearing was scheduled to be held over Zoom on April 15-16, 2025. I agreed to assist Mr. Kheir.

Evidence of Monica Jain

3. On April 15, 2025, I attended the first day of the Hearing over Zoom. I did not speak, but I observed and took notes for Mr. Kheir. On the first day of the Hearing, I observed the testimony of Dr. Thomas Warren (who was ultimately not qualified as an expert), Mr. Anisimov, Monica Jain, and Hossam Kishawy.

4. In the course of Mr. Kheir's cross-examination of Ms. Jain, he asked her about an unvaccinated student who was given an interim accommodation by the University in the fall term (the "**Student**") and permitted to attend campus in person to complete his lab requirements.

5. Mr. Kheir asked Ms. Jain about the precautions taken to mitigate the risks associated with the Student's attendance on campus. Ms. Jain answered that the Student was required to take a rapid antigen test, go directly to the lab, and leave immediately after completing the lab.

Submissions of Counsel

6. The second day of the Hearing was held on April 16, 2025. On that day I observed the conclusion of Dr. Kishawy's evidence and the submissions of both parties' counsel.

7. In Mr. Kheir's submissions, he argued that the University's decision to permit the Student to attend campus in person to complete his labs during an interim accommodation demonstrated that the University could allow an unvaccinated student to attend campus in person on a limited basis so long as he takes a rapid antigen test and adheres to necessary precautions. Mr. Kheir argued that this proved that it would not have caused the University undue hardship to permit Mr. Anisimov to attend campus in person to complete his course requirements if he submitted to rapid antigen testing, as he had agreed to do.

8. In the course of responding submissions, the University's counsel, Jodi Martin, made a submission that the Student was alone in the lab. She relied on this claim to distinguish the Student's situation from Mr. Anisimov's.

9. During a break after Responding counsel's submissions, Mr. Kheir and I spoke over the phone. Mr. Kheir said he did not remember Ms. Jain testifying that the Student was alone in the lab. He asked me what I remembered. I agreed that I had no memory of Ms. Jain making that claim. I consulted my notes and confirmed that I had not recorded that answer from Ms. Jain.

10. In his reply submissions, Mr. Kheir argued that there was no evidence on the record to support the claim that the Student was alone in the lab. He argued that, without that distinction, the Student's accommodation was analogous to the one sought by Mr. Anisimov. He further argued that the similarity demonstrated that the University could provide such an accommodation without undue hardship.

11. Based on my current memory of Ms. Jain's testimony, my notes, and my memory at the time of the Hearing as discussed with Mr. Kheir, I believe that Ms. Jain never testified that the Student was alone in the lab. To the best of my knowledge, that allegation was first raised in Ms. Martin's submissions.

12. I swear this affidavit *bona fide* for no improper purpose.

SWORN REMOTELY by videoconference by
Darren Leung at the City of [redacted]
in the Province of Ontario,
before me at the City of [redacted],
in the Province of Ontario
on the 7th day of April, 2026
in accordance with O.Reg 431/20.

[redacted]

Hatim Kheir
Barrister & Solicitor

[redacted]

Darren Leung

PHILIP ANISIMOV

APPLICANT

-and-

THE HUMAN RIGHTS TRIBUNAL OF ONTARIO et al.

RESPONDENTS

Court File No.: DC-25-00000929-00JR

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding Commenced at TORONTO

AFFIDAVIT OF DARREN LEUNG

CHARTER ADVOCATES CANADA

[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant

PHILIP ANISIMOV

APPLICANT

-and-

THE HUMAN RIGHTS TRIBUNAL OF ONTARIO et al.

RESPONDENTS

Court File No.: DC-25-00000929-00JR

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding Commenced at TORONTO

APPLICATION RECORD

CHARTER ADVOCATES CANADA

[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant