

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 20

Date: April 12, 2024

File No.: T2746/12221

Between:

Michelle Arcand

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service Canada

Respondent

Decision

Member: Athanasios Hadjis

[1] Michelle Arcand, the Complainant, has not communicated with the Tribunal since October 26, 2022. For the following reasons, I am dismissing the complaint as abandoned.

[2] The Complainant filed her complaint against Correctional Service Canada, the Respondent, on May 20, 2020. In her complaint, she claimed that, during her incarceration, the Respondent discriminated against her by withholding medication and services that she required to deal with her disability. The Canadian Human Rights Commission (the "Commission") referred the complaint to the Tribunal for inquiry on October 22, 2021. The Commission later confirmed that it intended to fully participate in the Tribunal's proceedings.

[3] The Tribunal sent its initial letter to the Complainant by email on December 7, 2021, via her parole officer. On December 23, 2021, the Complainant communicated to the Tribunal from a Gmail address that contained her name.

[4] On August 25, 2022, the Tribunal sent an amended initial letter to the Complainant by email to the same Gmail address. At the time, she was incarcerated at an institution in Abbotsford, British Columbia.

[5] The Complainant sent the Tribunal her response to the amended initial letter by mail, which was received on or about September 2, 2022.

[6] On October 26, 2022, the Complainant sent an email to the Tribunal from the same Gmail address she had used before. The Tribunal sent a follow-up email to all the parties on November 7, 2022, requesting them to file a required form by November 14, 2022. The Complainant did not file her form by this deadline or respond in any way. On November 22, 2022, the Tribunal sent an email to the Complainant reminding her that she must file the form. The Complainant again did not respond.

[7] The Tribunal emailed her another reminder on November 30, 2022. The Complainant did not respond to it either.

[8] On March 1, 2023, the Respondent informed the Tribunal that the Complainant was no longer incarcerated and that she had ceased being under its supervision since December 21, 2022. Upon receiving this information, the Tribunal emailed all the parties, including the

Complainant, with a suggestion on how to proceed in the case. The Tribunal also asked the Complainant to provide any updated contact information. She did not respond to the Tribunal's email.

[9] On April 13, 2023, the Tribunal again sent an email to all the parties, directing the Complainant to contact the Tribunal to confirm and, if necessary, update her contact information by May 26, 2023. The Tribunal noted that if she did not respond by that date, the Tribunal may consider her complaint abandoned and dismiss it. The Complainant did not respond.

[10] On June 6, 2023, the Tribunal emailed a letter to the parties setting out the timeline for the parties to file their Statement of Particulars (SOP). The Complainant was to file her SOP by July 12, 2023. She never filed it.

[11] On April 2, 2024, the Tribunal conducted a Case Management Conference Call (CMCC). All the parties were notified about it by email on March 12, 2024. Only counsel for the Commission and the Respondent attended the CMCC. The Complainant never appeared. The Commission stated that it had been unable to contact her. Ahead of the CMCC, the Commission tried to call the Complainant at the telephone number it had on record. The number was no longer in service.

[12] The Commission confirmed that it would not participate in the Tribunal's proceedings if the Complainant was not participating.

[13] As noted earlier, she has not contacted the Tribunal since October 26, 2022.

[14] It is up to complainants to advance their cases and to provide their most recent contact information (*Towedo v. Correctional Service Canada*, 2024 CHRT 6 at paras. 4-5). The Complainant has not communicated with the Tribunal in over 17 months, and if her email or other contact information has changed, she has failed to notify the Tribunal.

[15] In the circumstances, the Complainant is deemed to have abandoned her complaint. Without the means to contact her or any communication from her to indicate she is filing her SOP or otherwise wishing to proceed with her complaint, the complaint is dismissed.

ORDER

[16] The complaint is dismissed as abandoned. The Tribunal's file will be closed, and the Tribunal Registry will advise the parties accordingly.

Signed by

Athanasios Hadjis
Tribunal Member

Ottawa, Ontario
April 12, 2024

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T2746/12221

Style of Cause: Michelle Arcand v. Correctional Service Canada

Decision of the Tribunal Dated: April 12, 2024

Michelle Arcand, for herself

Genevieve Colverson and Julie Hudson, for the Commission

Lauren McMurtry and Alexandra Scott for the Respondent