

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 124

Date: November 7, 2024

File No.: T2556/11320

Between:

Mokhtar Tabari

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Immigration, Refugees and Citizenship Canada

Respondent

Decision

Member: Jennifer Khurana

I. OVERVIEW

[1] Mokhtar Tabari, the Complainant, has failed to meet Tribunal deadlines to proceed with their complaint. Since May of 2024, the Tribunal has attempted to contact the Complainant several times, but they have not responded to any of the Tribunal's communications.

[2] The Tribunal asked Immigration, Refugees and Citizenship Canada (IRCC), the Respondent, as well as the Canadian Human Rights Commission (the "Commission") for submissions on how to proceed in light of the Complainant's failure to participate in their complaint. IRCC argues that the Tribunal should dismiss the complaint because the Complainant has failed to pursue their complaint, has not respected the *Canadian Human Rights Tribunal's Rules of Procedure, 2021* SOR/2021-137 (the "Rules of Procedure"), has not met any deadlines and has not responded to the Tribunal's numerous attempts at contact.

[3] The Commission did not make any submissions.

II. DECISION

[4] The complaint is dismissed as abandoned. The Complainant has not participated in the complaint process, and they have not responded to any of the Tribunal communications to advance their complaint.

III. ANALYSIS

[5] The Tribunal must conduct proceedings as informally and expeditiously as the requirements of natural justice and the rules of procedure allow (s.48.9(1) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6). The Tribunal's Rules of Procedure are to be interpreted and applied to secure the informal, expeditious and fair determination of every inquiry on its merits.

[6] Administrative tribunals are masters in their own house. The Tribunal can dismiss a complaint if a party does not comply with its Rules (Rule 9) and can make any order it considers necessary against vexatious conduct or abuse of process (Rule 10).

[7] It is the complainant's responsibility to advance their file and to provide their contact information (*Towedo v Correctional Service Canada*, 2024 CHRT 6 at paras 4–5; *Mohamed v Royal Bank of Canada*, 2024 CHRT 84 at para11). The other parties are also entitled to have their complaints addressed in a timely way (*Rivard v. Nak'azdli Whut'en First Nation*, 2021 CHRT 21 at para 39). Failing to appear or to otherwise participate in the process can result in a complaint being dismissed as abandoned (*Sewap v. Correctional Service Canada*, 2024 CHRT 97).

[8] At the beginning of May 2024, the Tribunal issued a ruling dismissing the Respondent's request to stay the complaint proceedings until the resolution of all issues before the Federal Court. Following the ruling, on May 16, 2024, the Tribunal sent a letter setting deadlines for the Commission's disclosure and for the Complainant to file their Statements of Particulars, disclosure and witness lists. On June 14, 2024, the Tribunal granted an extension for the deadlines originally set. Some additional correspondence was sent to the parties, and, in September 2024, the Tribunal tried to reach the Complainant by telephone and left a voicemail.

[9] In September 2024, the Tribunal again wrote to the Complainant and warned that the case may be dismissed as abandoned if they did not confirm their intention to pursue their complaint or otherwise respond by September 13, 2024. The Tribunal also asked the Commission and the Respondent if they had another address for the Complainant or were aware of any other way to reach them. The Commission and the Respondent did not provide any further information.

[10] On October 8, 2024, the Tribunal sent another letter setting a deadline of October 18, 2024, to respond and warning that, in the absence of a response, the complaint could be dismissed as abandoned. It again tried to reach the Complainant by telephone and left a voicemail. On October 21, 2024, the Tribunal wrote to the parties, noting that despite repeated efforts to contact the Complainant by telephone, email and courier, it had not

received a response. In the absence of any participation by the Complainant or any other means of contacting them, the Tribunal asked the other parties for their position on the possible dismissal of the files as abandoned.

[11] In the absence of any response or indication from the Complainant that they wish to proceed with their complaint, I find that this matter should be dismissed as abandoned.

[12] The Tribunal has tried to reach the Complainant by every means available using the contact information the Commission provided. The courier was returned to sender but the Tribunal's emails were not returned as undeliverable. The Tribunal also warned the Complainant that their complaint could be dismissed if they failed to respond.

[13] I accept IRCC's submission that the Complainant has, without explanation, failed to respond to the Tribunal's numerous attempts to communicate with them and has not complied with their obligations under Rule 18 of the Tribunal's Rules of Procedure. I have not been presented with information about any challenges or personal circumstances faced by the Complainant to explain their lack of participation in the process such that it would be unfair to dismiss the complaint. It is also the Complainant's responsibility to provide updated contact information.

[14] In the absence of any response or indication from the Complainant that they wish to proceed with their complaint, I find that this matter should be dismissed as abandoned.

IV. ORDER

[15] The complaint is dismissed as abandoned. The Registry will send a letter to the parties confirming that this file has been closed.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, Ontario
November 7, 2024

Canadian Human Rights Tribunal

Parties of Record

File No.: T2556/11320

Style of Cause: Mokhtar Tabari v. Immigration, Refugees and Citizenship Canada

Decision of the Tribunal Dated: November 7, 2024

Written representations by:

J. Sanderson Graham, Helen Gray, Jennifer Francis and Clare Gover, for the Respondent