

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 131

Date: December 2, 2024

File No.: T2615/17220

Between:

Zeinab Zeinalkhani

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Immigration, Refugees and Citizenship Canada

Respondent

Decision

Member: Jennifer Khurana

I. OVERVIEW

[1] Zeinab Zeinalkhani, the Complainant, has failed to meet Tribunal deadlines to proceed with her complaint. Since May of 2024, the Tribunal has attempted to contact the Complainant several times, but she has not complied with the Tribunal's directions or advanced her complaint in response to any of the Tribunal's communications.

[2] Immigration, Refugees and Citizenship Canada (IRCC), the Respondent, argues that the Tribunal should dismiss the complaint because the Complainant has failed to pursue her 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 Canadian Human Rights Commission (the "Commission") did not make any submissions and is not participating in this matter.

II. DECISION

[4] The complaint is dismissed as abandoned. The Complainant has not participated in the complaint process, and she has not responded to any of the Tribunal communications to advance her 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 of Procedure (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 para 11). 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 her Statements of Particulars (SOP), 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, on September 6, 2024, the Tribunal spoke to the Complainant by telephone who confirmed she had been receiving the Tribunal's emails and said she would try and file her SOP the following week.

[9] On September 10, 2024, the Tribunal again wrote to the Complainant and warned that the case may be dismissed as abandoned if she did not confirm her intention to pursue her complaint or otherwise respond by September 13, 2024.

[10] On October 9, 2024, the Tribunal sent another letter to the Complainant by email and courier setting a deadline of October 30, 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.

[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 the Tribunal sent was returned but its emails were not returned as undeliverable, and the Complainant confirmed she had been receiving the Tribunal's emails. The Tribunal also warned the Complainant that her complaint could be dismissed if she 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 her and has not complied with her 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 her 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 she wishes to proceed with her 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
December 2, 2024

Canadian Human Rights Tribunal

Parties of Record

File No.: T2615//17220

Style of Cause: Zeinab Zeinalkhani v. Immigration, Refugees and Citizenship Canada

Decision of the Tribunal dated: December 2, 2024

Written representations by:

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