

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 137

Date: December 11, 2024

File No.: T2572/12920

Between:

Shaho Shahbazpanahi

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Immigration, Refugees and Citizenship Canada

Respondent

Decision

Member: Jennifer Khurana

I. OVERVIEW

[1] Shaho Shahbazpanahi, the Complainant, has failed to meet Tribunal deadlines to proceed with his complaint. Since May of 2024, the Tribunal has attempted to contact the Complainant several times, but he has not responded to 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 his complaint. IRCC argues that the Tribunal should dismiss the complaint because the Complainant has failed to pursue his 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 has not responded to the Tribunal communications to advance his 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 his 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 reached the Complainant by telephone who confirmed receipt of the Tribunal's emails but said that he did not have a chance to respond due to family issues. The Tribunal Registry Officer advised the Complainant to get in touch as soon as possible if he required further time due to family issues. He did not do so.

[9] On October 9, 2024, the Tribunal sent another letter setting a deadline of October 30, 2024. On October 10, 2024, it reached the Complainant by telephone who confirmed that he received the Tribunal's October 9, 2024 correspondence, that he understood the deadlines, but that he did not have a chance to respond.

[10] Most recently, on November 29, 2024, the Tribunal emailed the Complainant and warned that in the absence of a confirmation by December 6, 2024 that he wished to proceed with his complaint, it would be dismissed as abandoned and his file would be closed. The Complainant did not respond.

[11] I find that this matter should be dismissed as abandoned. The Tribunal has tried to reach the Complainant by every means available using the contact information the Commission provided and I am satisfied that the Complainant received notice of the proceedings and is aware of the consequences of his failure to participate. The Tribunal's emails were not returned as undeliverable. The Tribunal's Registry Officer spoke to the Complainant twice and he confirmed receipt of the Tribunal's communications, and that he understood the deadlines to comply with. The Tribunal also warned the Complainant that the complaint could be dismissed if he failed to respond.

[12] I accept IRCC's submission that the Complainant has, without explanation, failed to respond to the Tribunal's numerous attempts to communicate with him and has not complied with his 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 his lack of participation in the process such that it would be unfair to dismiss the complaint.

[13] In the absence of any response, I find that this matter should be dismissed as abandoned.

IV. ORDER

[14] 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 11, 2024

Canadian Human Rights Tribunal

Parties of Record

File No.: T2572/12920

Style of Cause: Shaho Shahbazpanahi v. Immigration, Refugees and Citizenship Canada

Decision of the Tribunal dated: December 11, 2024

Written representations by:

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