

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 83

Date: August 27, 2025

File Nos.: T2218/4017, T2282/3718, T2395/5419, T2647/2321

Between:

Ryan Richards

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service Canada

Respondent

Ruling

Member: Jennifer Khurana

I. OVERVIEW

[1] On June 18, 2025, I found that Ryan Richards, the Complainant, breached the implied undertaking rule by sharing materials obtained during the disclosure process that were not yet in evidence and therefore not yet in the public domain (2025 CHRT 61 at paras 5 and 25) [the “Ruling”]. In the Ruling, I made a number of orders that Mr. Richards and any third parties aware of the order were to confirm that they had complied with by no later than June 23, 2025.

[2] Correctional Service of Canada (CSC), the Respondent, filed a motion on June 24, 2025 to dismiss the complaints for abuse of process. It submits that Mr. Richards has not complied with the Tribunal’s orders and that since it filed its motion any declarations of compliance by Mr. Richards have been untimely, incomplete and not sufficiently reliable. In addition, CSC says that Mr. Richards continues to advocate for a collateral use of the material he improperly disclosed in breach of the implied undertaking rule. It argues that his actions constitute a grave abuse of process and that no remedy short of dismissal is reasonably capable of preserving the integrity of the Tribunal’s process and addressing the gravity of the breach.

[3] Mr. Richards and the Commission oppose the motion. Mr. Richards argues that he already complied with the Tribunal’s orders, while also arguing that he was not given enough time to do so and maintaining that the materials he shared in breach of the implied undertaking rule should be in the public domain. He also alleges that the Tribunal has not conducted the proceedings in a proportionate or fair way and has raised a claim of a reasonable apprehension of bias.

II. DECISION

[4] I am dismissing CSC’s motion, however I find that Mr. Richards’ failure to respect the Tribunal’s orders is an abuse of process. I have set out a number of directions that Mr. Richards must comply with. In the event Mr. Richards disregards these directions, CSC may

renew its request, and I will hear from the parties on the potential consequences of any further failure to respect the Tribunal's orders, including the possibility of dismissing these complaints. All parties are required to respect Tribunal orders, regardless of the subject and scope of their complaints. Collateral attacks on the Tribunal's rulings will also not be tolerated.

III. THE IMPLIED UNDERTAKING RULING AND THE TRIBUNAL'S ORDERS

[5] Having found that Mr. Richards breached the implied undertaking and to limit further prejudice to CSC and to the administration of justice, I made the following orders in the Ruling:

[6] Mr. Richards was ordered to:

1. inform the Respondent and Tribunal of any material covered by the implied undertaking rule that would have been (1) disclosed to anyone except to the extent permitted by law, and/or (2) published on any website or any social media platform (including the name of the people in receipt of the material and on what website or social media platform and account the material has been published);
2. take all necessary action to have any material covered by the implied undertaking rule removed from any website or any social media platform;
3. take all steps required to retrieve and destroy any and all copies, including electronic copies, of confidential materials disclosed in contravention of the implied undertaking rule;
4. obtain undertakings from any person to whom a copy of the confidential materials disclosed in contravention of the implied undertaking rule have been provided to return them and remove them from any website or any social media platform without delay, and destroy any electronic copies (Ruling at para 40).

[7] I also made a number of orders towards any individual made aware of the ruling. I further required Mr. Richards to provide the Ruling to any other person to whom he may

have provided a copy of the confidential materials disclosed in contravention of the implied undertaking rule and ordered him to confirm to the Tribunal and to CSC that this had been done or that he had not disclosed the materials to anyone other than Carema Mitchell, his sister. The Tribunal sent a copy of the Ruling to Ms. Mitchell to assist in maintaining the integrity of the Tribunal's process and in the interest of promptly addressing the breach. Finally, I made a confidentiality order under s.52 of the Act to seal Exhibit R-503 as it appeared in the Appendix to CSC's motion. Mr. Richards was ordered not to disclose any materials covered by the implied undertaking rule to anyone except to the extent permitted by law (Ruling at paras 41-46).

IV. MR. RICHARDS' NEW REPRESENTATIVE

[8] Before turning to my determination of CSC's motion to dismiss, I am compelled to address the various allegations Mr. Richards makes in his response submissions that are related to his recent retention of a paralegal, Christopher Karas. Mr. Richards alleges the Tribunal disregarded his right to counsel from June 9 until June 26, 2025, that it improperly excluded Mr. Karas from the in-camera portion of the June 16, 2025 hearing, and that Mr. Karas has not received the full record of these proceedings, which he appears to argue has impacted his ability to comply with the Ruling and to respond to CSC's motion to dismiss.

Mr. Richards' allegations that his right to counsel was disregarded are unfounded and spurious

[9] Other than a period when Mr. Richards was represented by a non-legal representative, Beverley Halls, Mr. Richards has represented himself throughout these proceedings.

[10] On June 5, 2025, I held a case management conference call (CMCC) with the parties in preparation of the resumption of the hearing on June 16, 2025. Mr. Richards confirmed at that time that while his sister had been sending some communications to the Tribunal on his behalf, she was not representing him. He did not have another legal representative.

During that same call, Mr. Richards and CSC agreed to participate in a technical test of the videoconferencing platform with the Tribunal's Registry on June 9, 2025.

[11] On June 9, 2025, Mr. Karas began to write to the Tribunal stating that he wished to "offer [his] assistance to Mr. Richards" and requesting his contact information "so that I may offer my services – so as to assist him with this matter". He attached a Record of Appearance form. He sent a second email two hours later requesting a response and reiterating that he would like to assist Mr. Richards. The Tribunal acknowledged receipt of the communications and confirmed the date Mr. Richards' hearing was set to resume. It also indicated that it could not provide personal contact information as it was obliged to protect litigants' privacy. Mr. Karas responded that he understood and that he would contact the Commission's counsel, Ms. Warsame, to offer his assistance to Mr. Richards.

[12] That same day, Mr. Richards and CSC participated in a scheduled technical test of the videoconferencing tools with the Tribunal's Registry. When Mr. Richards asked to speak with CSC counsel, they said they could no longer speak directly to him as it appeared he had retained a representative. Mr. Richards was not aware of a Christopher Karas and confirmed that he had not retained anyone.

[13] Also on June 9, 2025, the Tribunal advised the parties that an individual claiming to be Mr. Richards' representative had contacted the Tribunal and sent a Record of Appearance though the Tribunal did not have confirmation from Mr. Richards that he had retained a representative. The Tribunal advised that in the absence of any indication to the contrary, the parties should continue to communicate with Mr. Richards directly. Finally, the Tribunal advised that the individual claiming to be Mr. Richards' counsel requested his contact information. The Tribunal indicated that it is obligated to protect litigants' privacy and could not provide personal contact information for individuals engaged in its processes to someone seeking to represent them. A copy of this correspondence was confirmed to have been printed and provided to Mr. Richards at Warkworth Institution.

[14] Mr. Karas wrote to the Tribunal on June 10, 2025 requesting a copy of the Notice of Hearing that is sent to the parties to a proceeding and their representatives, stating that he had already shared the "requisite Record of Appearance Form". Mr. Karas asked Ms.

Warsame to forward his email to Mr. Richards, as he had not yet been able to get into contact with him, despite the Commission having forwarded Mr. Karas' contact information to the Complainant. He also asked counsel for CSC for Mr. Richards' contact information.

[15] Also on June 10, 2025, Mr. Guimond, counsel for CSC, wrote that Ms. Warsame had provided Mr. Karas' contact information to a family member of Mr. Richards' to share with him, and that Mr. Richards was aware Mr. Karas was trying to reach him. The email further indicated that Mr. Richards could reach out to Mr. Karas if he wished to do so.

[16] Later that same day, Mr. Karas wrote to Mr. Guimond and to the Tribunal's Registry, again requesting Mr. Richards' contact information, and a copy of the Notice of Hearing so that he "may attend and assist Mr. Richards with this matter".

[17] On June 11, 2025, Mr. Karas sent the Tribunal and the other parties seven emails claiming he would attend the hearing as Mr. Richards' "counsel" and continuing to repeat his previous requests, while also indicating that he had not yet made contact with Mr. Richards.

[18] He again requested the Notice of Hearing, noting that he had previously sent the Record of Appearance Form. He indicated to counsel for the Commission Ms. Warsame, that he had not yet been able to connect with Mr. Richards, "though you've forwarded my contact to him". He also asked Mr. Guimond to put him in touch with Mr. Richards "so as to allow me to assist him as his counsel in advance of the upcoming June 16th, 2025 hearing".

[19] A few minutes later, Mr. Karas sent a similar email, and then another later that morning.

[20] The Tribunal responded, acknowledging Mr. Karas' request to attend the hearing, and providing information about how members of the public can observe Tribunal proceedings.

[21] Mr. Karas replied, again requesting the Notice of Hearing "as I wish to attend as Mr. Richards' counsel" and reattaching the Record of Appearance.

[22] Mr. Karas then sent a follow-up email, advising that he had reached out to the Deputy Commissioner's Office in Ontario to try to connect with Mr. Richards, again requesting his contact information from Mr. Guimond, and the Notice of Hearing. He noted that in the absence of a response, he would take additional steps to get in touch with Mr. Richards, including reaching out to lawyers "at other agencies i.e. Non-governmental Organizations (NGOs) and press/journalists for their support".

[23] Counsel for CSC responded as follows:

I understand from the email chain that you do not have a mandate to represent Mr. Richards. In the circumstances, you will understand that I cannot share Mr. Richards' personal information for privacy considerations. That said, as I indicated yesterday, I understand that Me Warsame has provided your contact details to one of his family members so they can be passed along to him directly and contact you on his behalf as it may be. I also understand that Me Warsame has spoken with Mr. Richards, and he is aware that you are trying to get in touch with him. Should he wish to contact you, he will be able to do so.

[24] Mr. Karas replied as follows:

Thanks for your reply. But as I have yet still to speak with him - as I've not been provided with his whereabouts or contact so that I may know how to contact him. I've reached out to the Deputy Commissioner's Office, Ontario, today, to try to connect with Mr. Ryan Richards. As you've refused to provide this information to me to assist Mr. Richards. Can you please put me in-touch with him promptly, Mr. Guimond?

Also I've not yet been provided with a Notice of Hearing to attend the June 16th-27th, 2025 Tribunal hearing in this matter. Can you please provide this to me promptly,...Registrar?

Without hearing back from you, I'll take additional steps to get in-touch with Mr. Richards; This may include reaching out to lawyers at other agencies i.e. Non-governmental Organizations (NGOs) and press/ journalists for their support.

[25] The Tribunal again noted that it did not have a record of Mr. Richards retaining a legal representative. The Tribunal explained that in the absence of such confirmation, Mr. Karas could submit a request to observe the hearing as a member of the public, as previously indicated.

[26] Mr. Karas responded, stating that the “Tribunal’s Registry Office/Registrar is refusing Mr. Richards’ right to counsel”, and once again attaching a Record of Appearance form to “appear as Mr. Richards’ counsel in this matter” and requesting the Notice of Hearing that is sent to parties and their representatives.

[27] Given that Mr. Karas had not even communicated with Mr. Richards, the Tribunal was unwilling to accept Mr. Karas’ unilateral assertions about his retainer without some confirmation from Mr. Richards.

[28] On June 13, 2025, Mr. Karas wrote to the Tribunal advising that he was “finally able to reach [Mr. Richards]” by telephone on June 12, 2025:

Upon reaching him, I offered to assist him as his counsel with the upcoming hearing of June 16-27th, 2025. But, as his hearing is next week, he’d prefer my associate and I to join the hearing as observers. As such, Manik Sudan (in cc) and I wish to attend the public hearing **as observers** [emphasis added]. Can you please advise how we may attend?

[29] The Tribunal’s Registry sent Mr. Karas the link to join the hearing as observers, which he acknowledged and thanked them for. He no longer asserted that he was Mr. Richards’ representative in his response.

[30] In total, Mr. Karas wrote to the Tribunal at least 13 times, in addition to multiple calls, prior to the resumption of the hearing on June 16, 2025. In these communications, Mr. Karas requested Mr. Richards’ contact information so he could offer his services, sent the Record of Appearance form he completed prior to speaking to Mr. Richards, requested the Notice of Hearing because he said he was appearing as Mr. Richards’ counsel, and alleged that the Tribunal had interfered with Mr. Richards’ right to counsel. After speaking to Mr. Richards, Mr. Karas confirmed that Mr. Richards wanted him to *observe* the hearing. His multiple communications include emails he addressed to Tribunal Member Lustig, who has not been the assigned member of these proceedings since he resigned from their adjudication in 2022.

[31] There is no foundation to Mr. Richards’ claims about any interference or disregard for his right to counsel from June 6 – 16, nor from June 16-26, 2025 for the reasons set out

below. At no time did Mr. Richards himself advise that he had retained Mr. Karas prior to June 16.

[32] Mr. Karas appears to incorrectly believe that unilaterally asserting that he represents Mr. Richards and completing a Record of Appearance Form in the absence of the consent of the Complainant, constitutes a valid retainer. Mr. Karas relies on Rule 16(1) of the *Canadian Human Rights Tribunal Rules of Procedure*, 2021, SOR/2021-137 [the ‘Rules’]. Rule 16 provides that if a party files or serves a document signed by a representative, that representative is the representative of record for the party in support of these claims. But as set out above, when Mr. Karas began to send a Record of Appearance to the Tribunal, claiming to represent Mr. Richards, he had not yet spoken with him. When they did eventually speak on June 12, 2025, Mr. Karas “offered to assist [Mr. Richards] as his counsel”. However, as Mr. Karas himself wrote, “[Mr. Richards would] prefer my associate and I to join the hearing as **observers**” [emphasis added]. Mr. Karas later wrote to the Tribunal for the log-in information, requesting “to attend the public hearing **as observers**” [emphasis added]. These communications from Mr. Karas confirm that he would be attending the upcoming hearing as a member of the public. They are also markedly different from the emails that Mr. Karas sent before speaking to Mr. Richards, in that he no longer asserted that he was counsel for Mr. Richards, nor did he attach a Record of Appearance form.

[33] In short, Mr. Richards’ claims about his right to counsel being disregarded are without foundation. Mr. Karas had not even spoken with Mr. Richards until June 12, 2025, following which he confirmed his instruction was that Mr. Karas would observe the hearing, not act as Mr. Richards’ representative of record.

Mr. Karas was not improperly excluded from the in-camera portion of the hearing on June 16, 2025

[34] At the outset of the hearing on June 16, 2025, prior to going in-camera to hear oral submissions on CSC’s motion on the implied undertaking rule, I asked the parties if they had any issues to raise. Neither Mr. Richards, nor the Commission raised any preliminary issue. After CSC proposed that we proceed in-camera in light of the confidential nature of

the documents at issue, I asked the parties if they had any concern in proceeding that way. They did not raise any.

[35] I heard oral submissions on CSC's motion on the alleged breach of the implied undertaking rule in-camera given the confidential nature of the documents at issue and the need to address the motion promptly. Only the parties to the proceedings and their representatives participated. Observers in the public gallery, including Mr. Karas, were not admitted to the in-camera portion. At no point did Mr. Richards advise that he had retained a representative, nor had Mr. Karas identified himself as Mr. Richards' representative after having spoken with him on June 12. As set out above, on the contrary, as noted in Mr. Karas' June 13 email, he asked for he and his associate to "attend the public hearing **as observers**" [emphasis added].

[36] Despite the foregoing, Mr. Richards now alleges that Mr. Karas was improperly excluded from the in-camera portion of the hearing. No party expressed any concern about Mr. Karas or about how the motion was being heard, despite being given ample opportunity to voice any concerns or raise any preliminary issues. Mr. Richards did not ask that Mr. Karas be admitted to this portion of the hearing, nor did he mention that he had retained a representative or even that he intended to retain one.

[37] During the in-camera portion, at 10:07 am, Mr. Karas emailed the Tribunal indicating "I'm in the waiting room awaiting to be let-into the hearing as an observer." The Tribunal informed all those in the public gallery that the first part of the hearing was proceeding in camera. Subsequently, at 10:43 am, Mr. Karas followed up, writing: "You want to advise our office why we've still not be let into the hearing, Registrar? Mr. Richards has asked me to attend all portions, including in-camera so as to provide him with counsel."

[38] As set out above, it is clear from Mr. Karas' submissions that when he started emailing the Tribunal on June 9, 2025 claiming to be Mr. Richards' "counsel", he had no mandate to represent him. After finally speaking with Mr. Richards, Mr. Karas said that he would attend the public hearing as an observer. He did not indicate that he was Mr. Richards' representative in any of his three June 13 emails. Mr. Karas further identified himself as an

observer in his June 16, 10:07 am email. There was therefore no basis for me to admit Mr. Karas to an in-camera portion reserved for parties and their representatives.

[39] Mr. Karas' June 16 10:43 am email was the first indication – after speaking with Mr. Richards - that Mr. Karas would participate in the hearing as counsel.

[40] When the parties concluded discussing CSC's motion, counsel for CSC advised me that Mr. Karas had been emailing the parties and the Tribunal. Given that Mr. Karas had written to confirm he was attending the hearing as an observer only, I asked Mr. Richards to confirm Mr. Karas' role. He responded "he will be my counsel very soon, but I made a request that he could sit as an observer. He is going to be my counsel, he is my counsel, but at this point I want him to be an observer." When I asked Mr. Richards to clarify, he said "it is kinda complex", but that following the two weeks of the scheduled hearing, Mr. Karas would be taking over and representing him. Until then he wanted Mr. Karas to observe the hearing and sit with him as his "counsel".

[41] This was the first indication that, after having spoken to Mr. Karas, Mr. Richards wished Mr. Karas to participate in the proceeding as anything more than a public observer. Mr. Karas has been on record with the Tribunal ever since and as, set out below, was sent the full record of the proceedings, despite his claims to the contrary.

Mr. Karas was sent all relevant materials and the full record

[42] On June 24, 2025, after receiving CSC's motion to dismiss, Mr. Karas indicated that he had not had sufficient time to fully review the Tribunal's record because he was not yet in receipt of a second USB, sent by courier, that included CSC's previous motion materials on the alleged breach of the implied undertaking rule, and the recording of the in-camera portion of the June 16, 2025 hearing. Mr. Richards also confirmed that he had already complied with the Tribunal's orders starting at paragraph 40 of the Ruling, while also requesting an extension to comply with the Ruling until Mr. Karas received all materials.

[43] In their responding submissions that were filed on July 11, 2025, both the Commission and Mr. Richards continue to claim that Mr. Karas is still not in receipt of the materials mentioned above. However, as set out below, if Mr. Karas was not in receipt of

the materials, this was due to his own failure to collect them and to review them in a timely manner.

[44] The Tribunal sent Mr. Karas the first encrypted USB on June 24, 2025, which was delivered that same day. It sent the second USB on June 30, 2025, which was delivered on July 2, 2025. In both cases the courier service confirmed the packages were successfully delivered and were awaiting pickup by Mr. Karas.

[45] As Mr. Karas has continued to contact the Registry claiming that he was not in receipt of the materials, on July 25, 2025, the Tribunal sent a detailed accounting of the steps it took in providing the materials to Mr. Karas. It confirmed that it sent the implied undertaking motion materials on the first USB sent that was delivered on June 24, 2025 together with the rest of the official record in this proceeding, with the exception of the recording of the in-camera portion of the June 16, 2025 hearing day. But Mr. Karas did not collect the USB until June 30, 2025. Further, almost a month later, on July 23 and 24, the Registry had three phone calls with him to help him locate the motion materials on the first USB key. He also failed to collect the second USB stick, which contained the in-camera portion of the June 16 hearing, in a timely manner. On July 24, 2025, Mr. Karas called the Registry and said he would go and collect it by the end of the week, despite the fact that the package had been awaiting pick up since July 2, 2025.

[46] Mr. Karas responded to the Tribunal's communication on June 25, 2025, apologizing for the confusion and stating that "[t]his is no fault of Mr. Richards, but rather fault of my own, and he should not be faulted for this." In that same email, Mr. Karas noted that he requested a case management conference call (CMCC) to address procedural concerns regarding the proceedings thus far, and motions he intended to file on "procedural fairness and further disclosure".

[47] While Mr. Karas and the Commission claim that Mr. Karas is not in receipt of the full record, citing issues with "procedural fairness", this is due to Mr. Karas' failure to retrieve the materials, or to exercise due diligence in following up on the delivery. As the Tribunal explained in its July 25, 2025 communication, it is not for the Tribunal to chase a representative of record and remind them to collect and review materials pertaining to their

client's proceedings. Further, as CSC has confirmed, it also sent all its disclosure lists, disclosed documents and books of proposed exhibits to Mr. Karas electronically on June 26, 2025. As of the date of CSC's July 18, 2025 reply submissions, Mr. Karas had not downloaded the materials.

V. ISSUES

- i. Did Mr. Richards comply with the Tribunal's orders following his breach of the implied undertaking rule?**
- ii. If not, do his actions constitute an abuse of process?**
- iii. If so, should the Tribunal dismiss Mr. Richards' complaint as an abuse of process? Should it award any other remedy?**

VI. LEGAL FRAMEWORK

[48] The Tribunal is master of its own procedure (*Canada (HRC) v. Canada Post Corp*, 2004 FC 81, paras 13-15). It may decide all questions of law or fact necessary to determining any matter under inquiry (s. 50(2) of the *Canadian Human Rights Act*). In the event a party does not comply with the Tribunal's Rules, the panel may order the party to remedy their non-compliance, proceed with the inquiry, dismiss the complaint or make any other order to achieve the purpose set out in Rule 5, which provides that the Rules are to be interpreted and applied so as to secure the informal, expeditious and fair determination of every inquiry on its merits (Rule 9). The Tribunal may also make any order that it considers necessary against vexatious conduct or abuse of process (Rule 10).

[49] The doctrine of abuse of process is a common law doctrine that seeks to protect the principles of finality, fairness and the integrity of the administration of justice (*British Columbia (Workers' Compensation Board) v. Figliola*, 2011 SCC 52, at para 31 [Figliola] and *Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29, at paras 34–36) [Abrametz]. It is a broad concept, characterised by its flexibility and unencumbered by specific

requirements, that aims to prevent unfairness by precluding abuse of the decision-making process (*Abrametz* at paras 34-36 and *Figliola* at para 34).

[50] The flexibility of the doctrine is important in the administrative law context, given the wide variety of circumstances in which delegated authority is exercised (*Abrametz*, at para 35). The primary focus is the integrity of the courts' adjudicative functions, and less the interests of parties. The proper administration of justice and ensuring fairness are central to the doctrine of abuse of process (*Abrametz* at para 36 and *Figliola* at paras 24-25, 31).

[51] Whether a stay of proceedings is an appropriate remedy to an abuse of process requires weighing the harm to the public interest associated with going ahead with the proceeding against harm to the public interest if the proceeding is halted (*Abrametz* at para 102).

[52] The Commission and CSC relied heavily on the Tribunal's decision in *Constantinescu v. Corrections Canada*, 2022 CHRT 13 and the criteria it applied from the criminal cases it considered in determining whether a dismissal of proceedings is an appropriate remedy for an abuse of process. I prefer to follow the judicial authorities cited above, which prescribe a more flexible, holistic approach in the administrative law context.

VII. ANALYSIS AND REASONS

(i) Did Mr. Richards comply with the Tribunal's orders following his breach of the implied undertaking rule?

[53] No. Mr. Richards' communications about his compliance with the Ruling are contradictory and inconsistent and are not sufficiently reliable to confirm his compliance with the specific orders set out in the Ruling.

[54] Mr. Richards argues that a breach of the implied undertaking rule is not an abuse of process, that he was self-represented at the time, and that he was not aware of the significance of sharing the confidential materials.

[55] The Commission argues that Mr. Richards committed a "procedural misstep" in sharing the materials and that he promptly addressed his error after CSC initially discovered

the breach and before I issued the Ruling on June 18, 2025. It also says Mr. Richards should have been given reasonable time to comply with the Ruling, citing “procedural fairness”.

[56] Both Mr. Richards and the Commission made arguments related to his breach of the implied undertaking rule. But their response submissions to CSC’s motion to dismiss were not an opportunity to relitigate CSC’s previous motion. I already determined Mr. Richards breached the rule and made orders on June 18 to minimise or prevent further prejudice to CSC and to the integrity of the Tribunal’s process. This motion was also not an opportunity to challenge the Ruling. It is open to them to pursue other avenues of recourse, but not to collaterally attack the Ruling in their response submissions to a separate motion.

[57] Further, as CSC submits, while on the one hand arguing he has complied with the Tribunal’s Ruling, Mr. Richards continues to advocate for a collateral use of the materials he improperly shared, stating that he intended to share R-503 to hold the CSC employee “personally accountable” and not because he wanted to infringe the implied undertaking rule of confidentiality. He maintains that it is in the public interest to know that such a report exists and argues that preventing the public from seeing it, and choosing to seal it, as the Tribunal ordered, undermines the integrity of the judicial process. Mr. Richards also suggests that he did not already know that R-503 was confidential, which is false, as Mr. Richards had opposed CSC’s previous request for a confidentiality order (Ruling, at para 27).

[58] Mr. Richards’ response demonstrates a flagrant disregard for the Ruling. I agree with CSC that it casts doubt on the Commission’s framing of the initial breach as a ‘procedural misstep’. Rather than confirming how he has complied with the Ruling, Mr. Richards used his response submissions to reassert his collateral use of materials exchanged during the disclosure process and to indirectly challenge the Ruling. As a result of this and other inconsistencies and conflicting statements provided by Mr. Karas and set out below, I do not find that Mr. Richards has complied with the Tribunal’s orders as set out in the Ruling.

Mr. Richards’ submissions are contradictory and incomplete

[59] After receiving the notice of motion from CSC on June 24, 2025, Mr. Richards sent numerous inconsistent emails through Mr. Karas related to his compliance with the Ruling.

Through these communications, Mr. Richards simultaneously argued that he already complied with the orders set out in the Ruling, that he intended to comply as soon as Mr. Karas reviewed the materials, that Mr. Karas has not received the full record of these proceedings, and that he needs more time.

[60] Upon receipt of CSC's motion on June 24, 2025 and Mr. Richards' communications, the Tribunal set a schedule for motion submissions and replies, indicating that in the absence of any confirmation from Mr. Richards or other communication as set out in the Tribunal's ruling, the Tribunal would determine CSC's motion to dismiss. Mr. Richards and the Commission had until July 11, 2025 to file their response submissions.

[61] On June 25, 2025, after having confirmed that he spoke with Mr. Richards whose position was that he had complied with the orders in the Ruling, Mr. Karas wrote "seeking an extension of time if CSC is not satisfied that the Complainant has complied with the ruling". Also in this June 25, 2025 email, and despite having sent earlier emails confirming that Mr. Richards complied with the Ruling's orders, Mr. Karas wrote seeking 'additional time' as he said he was not in receipt of CSC's initial motion on the breach of the implied undertaking rule.

[62] On June 25, 2025, and in light of Mr. Richards' inconsistent communications, the Tribunal sent the following:

Dear parties,

The Tribunal acknowledges receipt of Mr. Karas' communications regarding Mr. Richards' compliance with the Tribunal's orders, as set out in 2025 CHRT 61.

Mr. Karas requested an extension of time on behalf of Mr. Richards to comply with the Tribunal's order, but then also appears to take the position that CSC's motion to dismiss is no longer required because Mr. Richards has already complied with the Tribunal's orders.

Mr. Karas is directed to advise no later than noon Thursday June 26, 2025 if he still requires an extension request, and if so, for how long given that he appears to have also taken the position that Mr. Richards has already complied with all of the Tribunal's orders.

By no later than June 27, 2025, CSC is asked to confirm whether it agrees there is no live issue to determine in its motion to dismiss.

Following receipt of these communications, the Tribunal will send further direction about the schedule for responses to CSC's motion to dismiss, as appropriate.

[63] Later that same day, Mr. Karas responded and wrote that he did not believe there was any live issue to determine with respect to CSC's motion to dismiss, but that it was their preference to "resolve this with CSC directly". He again reiterated that CSC's motion to dismiss was moot "as the Complainant already took the appropriate steps to comply", though he also requested an extension until he was in receipt of all materials to comply with the Tribunal's orders. The email finished with the following sentence: "...as I previously advised, Mr. Richards has already advised that he's complied, and advised the same to me, and I have no reason to believe he's not done so".

[64] On June 26, 2025, CSC wrote that in its view Mr. Richards had not yet demonstrated that he had complied with the Ruling and that the motion to dismiss should be determined by the Tribunal.

[65] On June 27, 2025, the Tribunal confirmed that because a live issue remained to be determined, the parties should file their submissions in keeping with the schedule it set on June 24, 2025. The Tribunal also directed that if, following his retrieval of the courier and review of the file and instructions from his client, Mr. Karas wished to make an extension request to respond to the motion on behalf of Mr. Richards, he could do so.

[66] Mr. Richards did not make a request for an extension to comply with the Ruling, nor for filing submissions in response to this motion. Rather, on July 3, 2025, Mr. Karas wrote to the Tribunal and again confirmed that Mr. Richards had already complied with the Tribunal's orders. He stated that proposed Exhibit R-503 had been disclosed to Ms. Mitchell, removed from Instagram, and that the social media account had since been deleted. He wrote that the Tribunal ruling was shared with Ms. Mitchell, and that Mr. Richards retrieved and destroyed all copies (including electronic copies) of the confidential materials shared in contravention of the implied undertaking rule. He confirmed that Mr. Richards had

obtained undertakings from third parties, namely, Ms. Mitchell, to return or remove the materials and to destroy electronic copies.

[67] Mr. Richards' communications, through Mr. Karas, cannot be taken as sufficient and reliable proof of compliance with the Tribunal's orders. While Mr. Karas has confirmed on multiple occasions that Mr. Richards already complied with the Tribunal's orders, his communications have been incoherent and Mr. Richards did not provide an affidavit for his declarations. This is not a reliable or sufficient basis to establish compliance with the Tribunal's orders.

[68] Further, Mr. Richards' declarations that he has complied with the orders in the Ruling are incomplete. Beyond the fact that they are contradictory, as CSC argues, Mr. Richards has not confirmed whether exhibit R-503 was published on other social media. Mr. Richards has also not clearly confirmed to whom he disclosed the materials other than Ms. Mitchell, nor has the status of the Instagram account been definitely confirmed. At times the account appeared deleted, but then it was accessible later on.

[69] Mr. Karas also alleges that he made a request for an extension on July 2, 2025, that was denied. This is false. It appears Mr. Karas has conflated this proceeding with another proceeding involving Mr. Richards, in which I denied both the Commission and Mr. Richards' requests for more time to provide their availability for a CMCC. That request is unrelated to these complaints or to CSC's motion to dismiss.

(ii) If not, do his actions constitute an abuse of process?

[70] Yes. Mr. Richards has failed to comply with the Tribunal's orders, without explanation. His statements and submissions have been inconstant and incomplete and also include collateral attacks on the Tribunal's orders. His disregard for the Ruling undermines the integrity of the Tribunal's adjudicative functions and is an abuse of the decision-making process.

[71] While the Commission submits that Mr. Richards is incarcerated, and that communication can be difficult, Mr. Richards apparently had the ability to share the confidential materials in question while incarcerated. As the Commission argues, Mr.

Richards also responded very quickly when the issue was first raised by CSC, and the Instagram account was made private within a few days. Further, there were many options available to Mr. Richards that could have demonstrated his respect for the Tribunal's orders and a good faith intention to comply with the Tribunal's orders. While the Commission makes submissions about the challenges faced by self-represented litigants, by the time the Ruling was issued, Mr. Richards was no longer self-represented. In any event, Mr. Richards has ably represented himself throughout these proceedings. He has not argued that communication challenges are a reason why he has not complied with the Ruling.

[72] On the contrary, Mr. Karas has communicated extensively with the Tribunal and the other parties and has sent numerous emails since I issued the Ruling on June 18, 2025, on various things. Through those communications Mr. Richards could have confirmed his compliance as directed, he could have clearly requested additional time to do so, he could have explained what he had done, and what remained to be done. He also could have used his response submissions to this motion as his opportunity to set out what he had done to comply in the meantime or in support of his claims that CSC's motion is moot. It has now been more than two months since the Ruling and Mr. Karas' numerous communications have not included unequivocal or reliable confirmations of compliance from Mr. Richards. Instead, Mr. Richards' collaterally challenged the ruling, alleged bias and "procedural unfairness", and made baseless claims about his right to counsel being disregarded. These are not the hallmarks of an individual who has demonstrated respect for the Tribunal's rulings or direction or an intention to comply with them.

[73] Mr. Richards' conduct is obstructive and abusive and demonstrates a disregard for the Tribunal's directions and rulings. It falls below the conduct expected of all parties, whether represented or not. I agree with CSC that this perpetuates the prejudice I already recognised was caused by the breach of the implied undertaking rule (See Ruling at para 31) and harms the public interest in the administration of justice.

(iii) If so, should the Tribunal dismiss Mr. Richards' complaint as an abuse of process? Should it award any other remedy?

[74] In my view, dismissing the complaints is not warranted or proportionate in light of Mr. Richards' conduct. However, I have made further orders Mr. Richards must comply with, and Mr. Richards is on notice that any continued abusive conduct may result in his complaints being dismissed.

[75] According to CSC, dismissal is warranted and necessary, and can be justified when an individual undermines the integrity of the judicial process, or when an abuse of process occurs, relying on *Constantinescu v. Correctional Service Canada*, 2022 CHRT 13 at paras 22 and 25 [*Constantinescu*] and *Patterson v. Johnson*, 1998 CanLII 28019 at paras 8, 10-11, 20 and 22. It also submits that Mr. Richards' inaction has resulted in significant expenditures of public funds and judicial resources and that I must consider judicial economy, given that many witnesses remain to be heard in these proceedings. According to CSC, it is not in the interest of the administration of justice that complaints involving a person who commits an abuse of process and ignores an order of the Tribunal proceed, while other litigants who respect and comply with Tribunal orders wait their turn to be heard. Finally, CSC maintains that as the Tribunal has no authority to make a significant costs order or to make a finding of contempt, no other remedy is capable of removing the prejudice.

[76] The Commission submits that Mr. Richards' conduct does not amount to a misuse of the Tribunal's procedure and that continuing with the hearing would not bring the administration of justice into disrepute. It says that dismissing the complaints would penalise Mr. Richards for a "procedural misstep" and frustrate the Tribunal's mandate to address alleged discrimination. It also argues that the circumstances do not warrant the extraordinary remedy of dismissal and says the Tribunal should exercise extreme caution, particularly as the complainant is incarcerated and was self-represented until June 16, 2025. Finally, the Commission submits that in the event the Tribunal finds that Mr. Richards has not complied with some aspect of its Ruling, it can provide procedural direction rather than dismissing the complaints, which it says would be disproportionate and extreme. It did not propose any alternate remedy.

[77] I do not accept that Mr. Richards' disregard for the Tribunal's orders can be characterised as a "procedural error" or "oversight". I already found that Mr. Richards breached the implied undertaking rule. This motion is about his alleged failure to comply with the orders set out in the Ruling. Mr. Richards' actions and statements not only fall short of respecting the Tribunal's orders, they demonstrate a blatant disregard for the basis of the Ruling by continuing to advocate for a collateral use of the document he disclosed in violation of the implied undertaking rule.

[78] However, I agree with the Commission that the circumstances do not warrant dismissal of the proceeding. The statements or declarations made through Mr. Karas, while communicated in a confused and incomplete manner, may reflect some degree of compliance with the Tribunal's orders. Although I have found they are not sufficient or reliable, I agree with the Commission that dismissal should only be ordered when the balance between the public interest in a fair process without abuse of proceedings outweighs the public interest in having the matter determined on its merits (*Abrametz* at para 84). In my view, we have not reached that point.

[79] Mr. Richards' right to a proceeding is not absolute, however, and further abusive conduct will not be tolerated. As Mr. Richards' actions since the Ruling demonstrate a disregard for the Tribunal's process and its orders, I am directing him to provide a signed statement outlining in detail how he has complied with each of the orders at paragraph 40 of the Ruling. Any individual made aware of the order is also required to comply with the directions as set out in paragraph 42.

[80] In the normal course, I would require Mr. Richards to file a sworn affidavit. I recognise that this can be a challenge for an incarcerated litigant and the Tribunal can dispense with the formal rules of evidence. However, in light of Mr. Karas' communications, it is not sufficient for Mr. Richards' representative to simply write in and make these declarations on his behalf. In my view, a signed declaration from Mr. Richards himself would fulfill much the same function as an affidavit, subject to any concerns expressed by the other parties on the face of his signed statement. The Tribunal may also convene the parties so that Mr. Richards can adopt his signed statement as his evidence and be cross-examined on its contents. I will hear from the parties on this possibility following review of his signed statement.

[81] Finally, while the Commission argues that the importance of these systemic complaints means that they should proceed, this is not the case at all costs. I do not accept that the importance of the individual and systemic allegations at issue in these proceedings outweighs the necessity to abide by Tribunal orders and to respect the integrity of proceedings and adjudicative functions. If Mr. Richards continues to disregard the Tribunal's direction and to behave in a manner that is abusive, the dismissal of the complaints – and the denial of a merits hearing on multiple allegations of discrimination – will be as a result of his own conduct.

[82] I agree with the Commission that human rights legislation is to be given a large and liberal interpretation and that many claimants seek redress for alleged human rights violations at a time when they are vulnerable and face a number of other challenges. However, for an adjudicative system to function, and to ensure the public can have confidence in our systems of justice, all parties are required to respect Tribunal decisions. In my view, it is also in the public interest to foster and encourage respect for the authority of the Tribunal and its orders, and the rules that govern legal proceedings.

[83] Mr. Richards' interests do not outweigh those of other parties. Diverting scarce Tribunal and public resources to address these issues, borne out of a party's disrespect for the Tribunal's rules and directions, also impacts other litigants waiting for their complaints to be heard. It undermines the integrity and sustainability of the human rights system as a whole.

[84] Should Mr. Richards fail to comply with the orders set out below, CSC may renew its request, and I will hear from the parties about the possible consequences, including the dismissal of these complaints.

VIII. ALLEGATIONS OF PROCEDURAL UNFAIRNESS AND BIAS

[85] Mr. Richards' July 11, 2025 response to CSC's motion referred to two other issues. First, Mr. Karas said that he intended to file a "motion for procedural fairness and further disclosure to be heard together with the Respondent's motion". Second, Mr. Richards made reference to a "reasonable apprehension of bias" due to the following: "disregarding the

Complainant's right to counsel, procedural fairness, rather than the urgency, the seriousness or the importance of the Tribunal's orders. As it is not conceivable the Complainant would more likely comply with the Tribunal's ruling in such circumstances."

[86] Mr. Richards' submissions continued as follows:

In our view, failing to provide counsel with a complete record, and sufficient time to respond, is far more grave, particularly when a request for an extension is denied, and raises serious procedural fairness questions, than failing to comply with this particular ruling, as this would have far worse consequences of undermining the Tribunal and Tribunal's and parties' efforts to address the breach and its scope, had it otherwise not.

[87] On July 14, 2025 the Tribunal acknowledged receipt and directed that Mr. Richards must comply with Rule 26 of the Tribunal's Rules which set out what parties have to do if they want to file a motion. Making passing references to motions does not suffice, and the onus is on the moving party to provide full disclosure of the order sought and the grounds relied on. While Mr. Karas requested that the Tribunal set a schedule for submissions, the Tribunal explained that it would determine how to proceed *after* it received a notice of motion that complies with its Rules, not before.

[88] Since then, Mr. Karas has repeatedly written to the Tribunal with reference to his intention to file motions. The Tribunal reiterated its directions and the obligation to file a motion that complies with Rule 26. Mr. Richards has not filed any motion on 'procedural fairness' or disclosure since that time.

[89] With respect to Mr. Richards' allegation of bias, the Tribunal directed in its July 14, 2025 communication that allegations of bias must be promptly addressed. It advised that oblique references to bias would not be considered in the absence of a motion and that if Mr. Richards had a concern about bias and intended to pursue those allegations, he must bring a motion for recusal without delay and advise the other parties and the Tribunal no later than July 21, 2025, following which I would set dates for the motion and responses. I also advised that if Mr. Richards did not provide this notice for recusal as directed, he would be deemed to have waived his right to object on this ground and I would continue to deal with the outstanding issues in this case.

[90] Mr. Karas responded that Mr. Richards did not wish to file a motion for reasonable apprehension of bias, “at this time, in this matter”. He again referenced the intention to file other motions, but no motion has been filed since then.

[91] Allegations of reasonable apprehension of bias challenge not only the personal integrity of the decision-maker or judge, but the integrity of the entire administration of justice (*Murphy v Canada (Attorney General)*, 2023 FC 57 at para 15). If Mr. Richards has concerns of bias it is incumbent on him to bring a motion in a timely manner, and not to suggest that he may do so in future. He is not free to leave this issue unresolved, at a time of his choosing (*Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2025 FC 18, at para 132 and paras 134-136). In the absence of any motion filed by the deadline I set, I have proceeded with these complaints and consider that Mr. Richards has waived his right to raise allegations of bias.

IX. MEDIATION-ADJUDICATION

[92] Mr. Karas contacted the Tribunal and requested that the Tribunal engage in a mediation-adjudication with me acting as the mediator in Mr. Richards’ other proceeding before this Tribunal. He later confirmed that Mr. Richards hopes to resolve all his complaints with CSC, including the four complaints that are the subject of this proceeding.

[93] Tribunal-assisted mediation can be offered at any stage of the proceedings if all parties consent. If and when the parties all agree to participate in a Tribunal-assisted mediation, I will review and decide whether to appoint a mediator.

X. ORDER

[94] CSC’s motion is dismissed.

[95] By no later than **September 10, 2025**, Mr. Richards must confirm that he has complied with the Ruling in full by providing a written, signed statement to that effect, including a detailed response to each item set out in paragraph 40 of the Ruling. Any individual made aware of the Ruling is also required to comply with the directions as set out

in paragraph 42. Should he require more time to comply with this order, Mr. Richards must clearly set out what extension he is seeking, on what basis, and must seek the positions of the other parties before making his request to the Tribunal.

[96] Upon review of Mr. Richards' statement and any information from individuals as set out in paragraph 42 of the Ruling, the Tribunal will hear from the parties before determining whether to convene a brief hearing to allow for any cross-examination.

[97] In the event Mr. Richards fails to comply as set out above, CSC may renew its motion and the Tribunal will set a schedule for the parties to make submissions on other options available to prevent further abuse of process, including the dismissal of these complaints.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, ON
August 27, 2025

Canadian Human Rights Tribunal

Parties of Record

File Nos.: T2218, T2282, T2395, T2647

Style of Cause: Ryan Richards vs Correctional Service Canada

Ruling of the Tribunal Dated: August 27, 2025

Written Submissions:

Christopher Karas, for the Complainant

Ikram Warsame and Sameha Omer, counsel for the Canadian Human Rights Commission

Dominique Guimond, Sonia Bédard and Penelope Karavelas, counsel for the Respondent