

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 101

Date: October 10, 2025

File No.: HR-DP-2974-23

Between:

Arianna Nolet

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Canadian Armed Forces

Respondent

Ruling

Member: Anthony Morgan

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I. NATURE OF THE MOTION

[1] The Complainant, Ms. Arianna Nolet, filed a motion seeking orders from the Canadian Human Rights Tribunal (the “Tribunal”) that provide the following requested relief:

- i. A stay of all collection efforts initiated by the Respondent, the Canadian Armed Forces (“CAF”);
- ii. Make a finding that CAF’s collection efforts amount to *prima facie* retaliation under the *Canadian Human Rights Act*;
- iii. Issuance of a direction to the Respondent to confirm whether any information from the proceedings has been misused; and
- iv. Expansion of the scope of the complaint to include the “retaliatory debt collection efforts” and “DOJ’s overlapping representation as further evidence” of “systemic mistreatment, discrimination and reprisal”.
- v. Removal of counsel for CAF be removed from representing the CAF on the basis of “conflict of interest, procedural fairness and misuse of sensitive information”;

[2] This ruling addresses Ms. Nolet’s motion and the requested orders.

II. DECISION

[3] In a case management conference call on September 23, 2025, I informed the parties of my ruling to dismiss Ms. Nolet’s motion. These are my full reasons for doing so.

[4] Ms. Nolet’s motion is dismissed because the Tribunal has no jurisdiction to stay the debt collection efforts initiated by the CAF. The Tribunal also has no authority to make a finding of *prima facie* retaliation without the completion of a hearing on the merits. The Tribunal has also not been provided with a sufficient basis of evidence or information to justifiably expand the scope of the complaint to include retaliation for the debt collection efforts. Finally, the Tribunal also finds no reasonable basis to order the removal of DOJ counsel currently assigned to this file to represent the CAF.

III. BACKGROUND

[5] Ms. Nolet is a former member of the CAF. In a previous ruling, *Nolet v. Canadian Armed Forces*, 2025 CHRT 92 (“*Nolet*”), I determined the scope of Ms. Nolet’s Complaint before the Tribunal. I ruled that the scope of the Complaint primarily concerns the period of April 2020 to November 2021, and pertains to allegations from Ms. Nolet that the CAF discriminated against her in employment on the grounds of sex, disability and/or marital status by treating her in an adverse differential way through terminating her employment, and by not providing her with a harassment-free workplace, contrary to sections 7, 10 and 14 of the *Canadian Human Rights Act* (the ‘Act’).

IV. ANALYSIS

[6] I will begin my analysis by addressing Ms. Nolet’s request for the Tribunal to expand the scope of her complaint to include the discriminatory practice of retaliation based on her allegations related to CAF’s collection efforts.

A. The Scope of the Complaint will not be expanded further

[7] Ms. Nolet argues that the Tribunal should expand the scope of her complaint to include CAF’s collection efforts because they are a form of retaliation amounting to discrimination under the Act.

[8] Ms. Nolet’s motion seeks orders from the Tribunal that would direct the CAF to temporarily halt debt collection efforts against Ms. Nolet for \$13, 400, arising in relation to funds Ms. Nolet received for residential relocation in July 2021, when she was still a member of the CAF. Ms. Nolet submits that these debt collection actions arose on or around April 22, 2025.

[9] The collection efforts of CAF have not been initiated through a court proceeding or an external debt collection agency. The information, evidence and argument before this Tribunal indicate that CAF has only initiated these efforts through direct mail and email communications sent to Ms. Nolet.

[10] The primary reason that Ms. Nolet offers as the basis for arguing that the collection efforts amount to retaliation is the fact that the CAF initiated collection actions after she filed a motion to expand the scope of her complaint, which I addressed in *Nolet v. Canadian Armed Forces* 2025 CHRT 92. She also submits that the CAF initiated their collection efforts and did so with a level of intensity that it triggered what she has referred to in her materials as PTSD episodes, further supporting her claims of systemic mistreatment, discrimination and reprisal against CAF.

[11] To support these allegations, Ms. Nolet included in her motion materials a mailed invoice and emails she received from CAF's Corporate Departmental Accounting Office, Revenue Services, between April and July 2025, demonstrating the collection efforts of CAF. Ms. Nolet's motion materials also indicate that the funds that CAF seeks to collect from Ms. Nolet were extended to her for home relocation costs in July 2021, which falls within the temporal scope of this complaint, which I identified in *Nolet* as April 2020 to November 2021.

[12] I am not satisfied that the information and arguments that Ms. Nolet has submitted create a sufficient or reasonable connection to the scope of the complaint before the Tribunal.

[13] As I noted in *Nolet* at paragraph 58, a sufficient or reasonable connection between any new allegations and the original complaint filed with the Commission must be found to permit the Tribunal to expand the scope of the complaint. I do not find that the information I now have about the timing and steps taken by CAF substantiate a finding that there is a sufficient or reasonable connection to Ms. Nolet's complaint.

[14] Ms. Nolet's motion does not include specific facts to substantiate her claim that the collection efforts were initiated because she has filed a complaint under the Act, which is required to support a claim of retaliation under section 14.1 of the Act. This is an additional reason why I am not prepared to include the collection proceedings within the scope of Ms. Nolet's complaint.

[15] Further, in my recent ruling on the scope of Ms. Nolet's complaint, *Nolet*, I stated the following at paragraph 111:

The hearing into Ms. Nolet's complaint with the temporal scope of April 2020 to November 2021, and with the allegations that I have permitted to form part of the inquiry as discussed above will already require significant hearing resources. Even with the exclusion of Ms. Nolet's claims falling outside of April 2020 to November 2021, the hearing into this matter will almost certainly require several weeks of hearing dates, a significant number of witnesses, including potential expert witnesses, and several thousands of documents (written, video and audio)

[16] I wrote the above to point to the Tribunal's obligation to maintain proportionality in its proceedings. At paragraph 64 of *Nolet*, I shared that my interpretation of subsection 48.9(1) of the Act and Rule 5 of the Tribunal's Rules, read together, requires the Tribunal to maintain proportionality. As I explained, the Tribunal does this by resolving complaints in a manner that does not allow its proceedings to become unreasonably or unnecessarily complex, lengthy or costly.

[17] The lack of information and evidence to connect Ms. Nolet's allegations about CAF's collection efforts being retaliation for her filing her original complaint lead me to find that proportionality would not be maintained by permitting the expansion of scope that Ms. Nolet seeks.

[18] I ultimately view Ms. Nolet's complaint about CAF's collection efforts as an entirely new complaint that is more appropriately filed with the Commission. Sections 49 and 50 of the Act limit the Tribunal's inquiry to complaints that have been referred to the Tribunal by the Commission after the Commission has performed its investigation and screening function for a complaint received under the Act.

[19] The CAF's collection efforts do not form part of a complaint that has been referred by the Commission to the Tribunal. And I do not find an adequate basis to determine that there is a reasonable or sufficient connection between Ms. Nolet's complaint and CAF's collection efforts. As such, I do not have jurisdiction to inquire into CAF's collection efforts against Ms. Nolet.

[20] While it is possible that retaliation allegations can be included in the scope of a complaint at a later stage, I find the present circumstances do not warrant it.

B. The Tribunal has no jurisdiction to order a stay of CAF's collection actions

[21] Ms. Nolet also asks the Tribunal to stay the CAF's collection efforts pending the Tribunal's final decision on Ms. Nolet's Complaint on the merits.

[22] As I have determined above, Ms. Nolet's allegations concerning CAF's collection actions are not within the scope of the Complaint that has been referred to the Tribunal by the Commission. As such, the Tribunal has no authority or power to issue any orders or directions to the Respondent in relation to CAF's collection efforts against Ms. Nolet.

[23] As an administrative tribunal, the powers of the Tribunal are derived from the Act. The Act limits the authority of the Tribunal to adjudicating complaints that have been referred to it by the Canadian Human Rights Commission (the "Commission"). (see sections 49 and 50 of the Act)

[24] Even if CAF's collection efforts were a part of Ms. Nolet's Complaint, the Tribunal still could not provide a remedy for Ms. Nolet in the form of ordering a stay, injunction or interim relief of the sort sought by Ms. Nolet at this stage of the proceeding.

[25] The Act does not grant the Tribunal any interim remedial powers to grant a stay pending the outcome of an inquiry. The remedial powers of the Tribunal relate only to bringing finality to a matter on the merits. This means that the Tribunal can only exercise its remedial powers at the conclusion of a hearing once it has made findings that substantiate a complaint. (s. 53 of the Act).

C. The Tribunal cannot make a finding of a discriminatory practice (including retaliation) under the Act without first conducting a hearing on the merits.

[26] Ms. Nolet characterizes CAF's collection efforts as an act of retaliation within the meaning of the Act and asks the Tribunal to find that CAF's collection efforts amount to *prima facie* retaliation.

[27] Under the Act, section 14.1 recognizes that retaliation and the threat of retaliation against an individual who files a Complaint with the Commission or the alleged victim of a complaint filed with the Commission is a discriminatory practice.

[28] A finding of retaliation, even if only *prima facie* retaliation, can only be made after such a complaint is referred by the Commission to the Tribunal and the Tribunal has conducted and concluded an inquiry into the complaint. A hearing into Ms. Nolet's complaint has not started, let alone concluded.

[29] Further, the Commission has not referred Ms. Nolet's allegations of retaliation in relation to these collection efforts to the Tribunal for an inquiry and I do not agree to expand the scope of the complaint to include retaliation.

[30] Even if the Tribunal determined that CAF's collection efforts amounted to retaliation, or the Commission referred such a complaint to the Tribunal, this is a determination that could only be made after a hearing on the merits.

[31] For this reason, the Tribunal cannot make the finding requested by Ms. Nolet, namely that CAF collection efforts amount to *prima facie* retaliation.

D. The DOJ lawyers assigned to represent CAF in this matter cannot be removed on the basis that they are also representing CAF in other civil proceedings initiated by Ms. Nolet.

[32] Ms. Nolet also asks the Tribunal to order the CAF remove the two DOJ lawyers assigned to this case because these lawyers also represent the CAF in two civil proceedings that Ms. Nolet has initiated against the CAF. One proceeding was initiated in April 2022 in the Ontario Superior Court of Justice. The other was filed in the Ontario Small Claims Court on July 3, 2024. Ms. Nolet argues that counsel for CAF is in a conflict of interest because they represent CAF in these three different proceedings with underlying claims that feature some overlapping facts.

[33] Ms. Nolet argues that this Tribunal should order the removal of the DOJ lawyers assigned to represent CAF in the present matter because they are in a conflict of interest due to these lawyers also representing CAF in the civil proceedings Ms. Nolet has initiated

against CAF before the Ontario Superior Court of Justice and the Ontario Small Claims Court. She argues that this representation has created a “serious conflict of interest, a procedural disadvantage, and a violation of principles of natural justice and fairness”.

[34] Ms. Nolet seeks to have the assigned DOJ counsel removed for conflict of interest based on the test for disqualification articulated by the Supreme Court of Canada in *MacDonald Estate v. Martin*, [1990] 3 S.C.R. 1235 (*MacDonald Estate*). She also relies on principles concerning disqualification that are articulated in *R v. Neil*, 2002 SCC 70, and *Canadian National Railway Co. v. McKercher LLP*, 2013 SCC 39.

[35] The Respondent argues that these cases are not helpful to Ms. Nolet in establishing a conflict of interest that would support disqualifying the lawyers assigned to represent the CAF before the Tribunal. This is because these cases indicate that disqualification does not concern matters where counsel is representing the same client across different proceedings. Rather, these cases illustrate that disqualification concerns the question of whether a lawyer in a proceeding is in conflict of interest in relation to a former client because the lawyer previously received confidential and privileged solicitor-client information that could prejudice the former client. I agree with the Respondent.

[36] Ms. Nolet is not arguing that the lawyers she seeks to have disqualified from representing CAF in this matter are in a conflict of interest because she is a former client of theirs. She is not a former client and therefore has never been in a position to share with CAF’s counsel confidential information attributable to a solicitor-client relationship that could prejudice her in the present matter before the Tribunal. Considering this, Ms. Nolet’s argument that counsel for CAF should be disqualified cannot succeed.

[37] Even when I consider Ms. Nolet’s concerns beyond the test and principles for disqualification, I am still not persuaded that it would be fair or appropriate to remove CAF counsel on the basis of Ms. Nolet’s argument that they may improperly use documentation (including confidential material) against her in proceedings before the Tribunal that originated as part of the civil proceedings against her in proceedings before the Tribunal. As the Respondent argues in its submissions, Ms. Nolet has submitted no evidence or material

facts to give substance to the claim that there is a risk or previous occurrence of her confidential information being improperly used in any way by CAF counsel.

[38] I also note that in proceedings before the Tribunal there exists an implied undertaking of confidentiality. As such, anything Ms. Nolet discloses in this proceeding is subject to an implied undertaking of confidentiality by CAF's counsel. This means that the Respondent's lawyers are obligated to keep this information confidential and not use it in another proceeding. This also applies to the two civil proceedings initiated by Ms. Nolet against the CAF. (see, *Richards vs Correctional Service Canada*, 2025 CHRT 61 at paragraphs 18 to 21; and, *Woodgate et al. v. RCMP*, 2022 CHRT 36 at paragraph 8)

[39] The Respondent asserts that the only documentation CAF counsel have is that which belongs to CAF and that which has been produced by Ms. Nolet as a result of her disclosure obligations. It is further pointed out by CAF that any counsel representing CAF would have access to these same materials in any case. This defeats the purpose of Ms. Nolet's aim to disqualify CAF's current counsel and further highlights why Ms. Nolet's request for removal of counsel should not be granted.

[40] Additional arguments that Ms. Nolet offers for justifying the removal of CAF counsel from this file is that it amounts to structural unfairness to her and to the Tribunal's process for CAF to have the same counsel before the Tribunal as they have in the civil proceedings. This is because it exacerbates the disparity in power between her and the CAF, compromises her ability to effectively participate in the process on an equal footing and undermines the integrity of the Tribunal's process. Ms. Nolet makes these arguments on the basis that CAF is an institutional litigant with considerably more access to resources and knowledge of the legal process. She, on the other hand, identifies as a vulnerable litigant who is a self-represented person and alleged survivor of military sexual assault, harassment and violence. Added to this is that she identifies as a person navigating these proceedings while living with a mental health disability, namely, post-traumatic stress disorder.

[41] I recognize that even with the informal and flexible approach that the Tribunal is able to take to resolve complaints, it is often quite difficult, stressful and overwhelming for a

complainant in Ms. Nolet's shoes to advocate for themselves through the Tribunal case management process leading up to and during a hearing.

[42] However, throughout this process Ms. Nolet has always and continues to be afforded what section 50 of the Act entitles her to, namely, a full and ample opportunity, in person or through counsel, to appear at the inquiry, present evidence and make representations. At times during this process, Ms. Nolet has been represented by counsel and at other times, as is the case now, she has proceeded without counsel.

[43] That Ms. Nolet is now exercising her right to proceed without representation while navigating the vulnerabilities that she has cited does not permit her or the Tribunal to limit the Respondent's right to determine who it entrusts as legal counsel to represent them in these proceedings.

[44] Tribunal proceedings featuring, on one hand, a self-represented complainant living with a mental health disability, and on the other, a Respondent who is represented by competent legal counsel does not make the proceedings unfair.

[45] This is to say, I am not persuaded by Ms. Nolet's submissions that being self-represented and navigating the Tribunal process while living with a mental health condition provides a basis for the Tribunal to disqualify counsel for the Respondent with the aim to put the parties on an equal footing and protect the integrity of the Tribunal's process. The Act governing the Tribunal and the Tribunal's Rules of Procedure account for the fact that parties before the Tribunal may be self-represented and be living with different social and structural vulnerabilities while an opposing party may be an institution that is represented by counsel. The Act and the Rules account for this dynamic that is commonly featured in the Tribunal's proceedings by allowing the Tribunal to take a substantive equality-grounded approach to securing an informal, fair and expeditious resolution of complaints referred to the Tribunal.

V. CONCLUSION

[46] The Complainant's motion is dismissed.

Signed by

Anthony Morgan
Tribunal Member

Ottawa, Ontario
October 10, 2025

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: HR-DP-2974-23

Style of Cause: Arianna Nolet v. Canadian Armed Forces

Ruling of the Tribunal Dated: October 10, 2025

Motion dealt with in writing without appearance of parties

Written representations by:

Arianna Nolet, Self-represented Complainant

Sameha Omer, for the Canadian Human Rights Commission

Melissa Gratta & Monisha Ambwani, for the Respondent