Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

Citation: 2025 CHRT 107
Date: November 12, 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

Decision

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 “Implied Undertaking Ruling”]. I made several 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 because Mr. Richards did not comply with the Tribunal’s orders, and because he continued to advocate for a collateral use of the material he improperly disclosed in breach of the implied undertaking rule. I denied the motion because I found that dismissal was not proportionate and warranted at the time. I found, however, that Mr. Richards’ failure to respect the Tribunal’s orders was an abuse of process (2025 CHRT 83) [the “Abuse of Process Ruling”] and warned that any continued abusive conduct could result in his complaints being dismissed. I recalled that all parties must respect Tribunal orders, regardless of the subject and scope of their complaints.

[3] On October 9, 2025, CSC renewed its request and filed a second motion to dismiss the complaints on the grounds that Mr. Richards committed multiple abuses of process, including an ongoing disregard of Tribunal rulings. The Commission and Mr. Richards requested until October 31, 2025, to make submissions. The Commission cited the need for sufficient time to prepare a thorough and carefully considered response, arguing that it was busy in the hearing, had other work commitments, and would require internal review to finalise submissions. CSC opposed such a lengthy time for responses. It argued I could hear the motion orally, that any new breaches of the implied undertaking rule should be minimised, and that we should avoid expending additional hearing time.

[4] Considering the significance of the remedies sought and the potential consequences of the motion, I allowed the Commission and Mr. Richards’ proposed timeline. Mr. Richards

filed submissions opposing the motion. The Commission took no position. It sent in a summary of the applicable law and legal principles and proposed alternatives to dismissal.

II. DECISION

[5] I am allowing CSC's motion and dismissing these complaints in their entirety. Tribunal proceedings engage scarce public resources and are not an unqualified right. All participants to Tribunal proceedings are required to respect the Tribunal's rules and directions. Mr. Richards was on notice about the risks of his repeated failure to comply with the Tribunal's directions following his breach of the implied undertaking ruling. He nevertheless continued to disregard the Tribunal's orders, collaterally attack the Tribunal's ruling, and made allegations of bias after having been instructed to file a formal motion or waive his right to do so. Dismissal of the complaints is warranted and necessary in the circumstances and no alternative remedy is sufficient to remediate his abusive conduct and prevent further abuses of process.

III. BACKGROUND

The Implied Undertaking Ruling and the Tribunal's orders

[6] On June 6, 2025, CSC discovered that a document it disclosed to the parties during these proceedings and other materials relating to the complaints were openly shared on a public Instagram account. The materials were still covered by the implied undertaking rule of confidentiality. Mr. Richards admitted to having shared document R-503. Although he claimed that he thought the document was already in the public domain, Mr. Richards had previously opposed the CSC's confidentiality motion related to R-503. I denied CSC's request to seal the document at that time, finding that it was premature as the material was not yet in evidence or in the public domain (2024 CHRT 21 at paras 2-5).

[7] CSC filed a motion seeking to limit the damage created by the breach of the implied undertaking rule. It also reserved its right to seek a dismissal of the complaints for abuse of

process should Mr. Richards not adequately resolve the issues or should it learn of further prejudice because of the breach.

[8] I allowed CSC's motion and found that Mr. Richards had breached the implied undertaking rule. Considering the previous confidentiality motion submissions and ruling, I found that claiming that the document at issue was already in the public domain demonstrated a reckless disregard for the requisite level of care and responsibility that all parties, including self-represented ones, must demonstrate in participating in Tribunal proceedings (Implied Undertaking Ruling at paras 5, 25 and 27).

[9] To limit further prejudice to CSC and to the administration of justice, I ordered Mr. Richards to confirm to CSC and to the Tribunal by June 23, 2025 that he complied with the following orders:

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 (Implied Undertaking Ruling at para 40).

[10] I further required Mr. Richards to provide the Implied Undertaking 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. I also made several orders towards any individual made aware of the ruling. The Tribunal sent a copy of the Implied Undertaking 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 *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 (the "Act"), to seal proposed Exhibit R-503 as it appeared in the Appendix to CSC's motion. Mr. Richards was also ordered not to disclose any materials covered by the implied undertaking rule to anyone except to the extent permitted by law (Implied Undertaking Ruling at paras 41-46).

The Abuse of Process Ruling and the Tribunal's orders

[11] CSC filed its first motion to dismiss the complaints on June 24, 2025. I dismissed the motion but found that Mr. Richards' failure to respect the Tribunal's orders constituted an abuse of process. I ordered the following:

> 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 [Implied Undertaking] Ruling. Any individual made aware of the [Implied Undertaking] Ruling is also required to comply with the directions as set out in paragraph 42
>
> (Abuse of Process Ruling at para 95).

[12] I also ordered that upon review of Mr. Richards' statement and any information from other individuals required to comply with the Tribunal's orders, I would hear from the parties before deciding whether to convene a brief hearing to allow for any cross-examination. Finally, I set out that CSC could renew its motion if Mr. Richards failed to comply with my directions, and that the Tribunal would also consider other options available to prevent further abuse of process, including the dismissal of these complaints.

The Statements filed by Mr. Richards and Ms. Mitchell

[13] On September 10, 2025, the Tribunal received Ms. Mitchell's statement through Mr. Richards' legal representative. She provided a general declaration, reproducing the wording of my ruling without providing further detail, writing:

> "[she has] immediately taken all necessary action to have any material covered by the implied undertaking rule removed from any website or social media platform" and that "[she has] provided a copy of the Tribunal's order to any person to whom confidential materials disclosed in convention (sic) of the implied undertaking rule may have provided (sic)".

[14] Mr. Richards filed his statement dated September 5, 2025, as directed. He stated the following:

- I did not disclose the contents of (R503) with anyone except my sister Carema Mitchell;
- The contents of (R503) were not disclosed nor posted on any Instagram nor social media platform, other than "Only.Moses.Son". The Instagram account for Only.Moses.Son has been permanently deleted;
- All electronic copies of (R503) have been destroyed, and are no longer in the possession of Ms. Mitchell;
- I have confirmed that when my sister Carema Mitchell received a copy of the Tribunal order (2025 CHRT 61) she immediately complied with the Order/ruling.

[15] CSC requested the opportunity to cross-examine Mr. Richards and Ms. Mitchell in the face of what it deemed inadequate, incomplete and confusing statements. Mr. Richards opposed the request, stating the issue was moot as he had already complied with the Tribunal's orders. He said the Tribunal could not compel Ms. Mitchell to testify as she lives in the United States, and that she would not submit voluntarily to a cross-examination.

[16] I allowed the cross-examination and advised CSC that it should request a subpoena or other order for Ms. Mitchell in writing if required.

Mr. Richards' October 7, 2025 cross-examination

[17] During the cross-examination, Mr. Richards admitted that he had shared R-503 with a Canadian senator, and possibly other CSC staff, and had discussed its contents with other inmates who he would not name or quantify, as well as with friends. When asked if he had indirectly discussed the content with CSC employees, Mr. Richards' answer was unclear.

[18] Mr. Richards said that he did not share the Tribunal's rulings with the senator or any of these other individuals, claiming that his communications with the senator were privileged and that they took place over a year prior to the breach of the implied undertaking being

discovered. Mr. Richards also said that he was not aware of the steps, if any, that Ms. Mitchell may have taken to destroy the electronic copies she made of the document, or whether and to whom she sent copies of the Implied Undertaking Ruling.

IV. ISSUES

(i) Did Mr. Richards comply with the Tribunal's orders?

(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?

V. LEGAL FRAMEWORK

[19] 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 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).

[20] 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).

[21] 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).

[22] 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).

REASONS

(i) Did Mr. Richards comply with the Tribunal's orders?

[23] No. Among other things, Mr. Richards withheld information about the individuals to whom he provided a copy or disclosed the contents of materials protected by the implied undertaking rule.

[24] While Mr. Richards argues that he filed a "detailed signed hand-written letter" and fully complied with the Tribunal's orders, it became clear during cross-examination that he did not. He did not disclose, as he was ordered to do, that he had shared R-503 or its contents with other individuals, such as a senator and other inmates and friends. Rather, he falsely stated that he "did not disclose the contents of (R503) with anyone except my sister Carema Mitchell".

[25] Mr. Richards' signed statement also falls short of what I directed him to provide in the Abuse of Process Ruling, namely a *detailed* response to each item set out in the Implied Undertaking Ruling. For example, I ordered Mr. Richards to inform CSC and the Tribunal of any material covered by the implied undertaking rule that would have been disclosed to *anyone* except to the extent permitted by law. Beyond filing a signed statement that withheld the names of individuals to whom he had disclosed R-503, Mr. Richards also failed to provide the Implied Undertaking Ruling to them, and was unwilling during his cross-

examination to confirm what happened to the copies of the materials that should have been destroyed.

[26] Mr. Richards said that his sister would not voluntarily submit to a cross-examination on her statement which raises more questions than it answers. It does not assist me in determining whether the breaches were contained. Ms. Mitchell wrote that she "provided a copy of the Tribunal's order to any person to whom materials disclosed in convention [sic] of the implied undertaking rule may have provided". Her declaration is general and opens the possibility she shared the document with other people, though she does not indicate who they are, or provide further detail.

[27] It is Mr. Richards who was ordered to comply with the Tribunal's rulings, and it was his onus to demonstrate that he has done so. In my view, he has not met that onus and has failed to comply with the Tribunal's directions.

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

[28] Yes. Mr. Richards has again disregarded the Tribunal's orders from the Abuse of Process ruling, without explanation. His ongoing contempt for the Tribunal's authority and rulings undermines the integrity of the Tribunal's adjudicative functions and is an abuse of the decision-making process.

[29] CSC argues that Mr. Richards has committed multiple abuses of process in these proceedings, namely:

- breaching the implied undertaking rule and having a protected document shared on Instagram;
- sharing the document protected by the implied undertaking rule with a senator, along with other material that may also have been protected by the implied undertaking rule, and discussing its content with various people, including other inmates;
- failing to respect the Implied Undertaking Ruling;
- failing to abide by the Abuse of Process Ruling in filing a statement short of the details set to address his alleged compliance with the Implied Undertaking Ruling;
- withholding in his statement that (1) he had given a copy of the document to a senator, along with other material, (2) other people were present at the time, including CSC employees, (3) he shared the content of the document with a

> number of unnamed inmates and (4) discussed it with friends, thus contravening the order of the Implied Undertaking Ruling to "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". On the contrary, the Complainant stated that he "did not disclose the contents of [the document] with anyone except [his] sister".

[30] Mr. Richards argues that had the implied undertaking rule been brought to his attention sooner, prior to CSC's confidentiality motion and to the Implied Undertaking Ruling, he would have exercised a greater level of caution and been more prudent "to not impede the Tribunal and the human rights process". He also argues that he was incarcerated and self-represented until June 16, 2025 and said he thought the implied undertaking rule only applied to what was disclosed from June 18 to August 27, 2025.

[31] The breach that gave rise to my rulings occurred before June 18, 2025, and I directed Mr. Richards, twice, to disclose to CSC and to the Tribunal any material covered by the rule that would have been disclosed to anyone except to the extent permitted by law, to provide a copy of the Tribunal's ruling to those individuals, and to ensure that any copies he distributed were destroyed (see Implied Undertaking Ruling at paras 40-44 and Abuse of Process Ruling at para 95). These orders did not limit the temporal scope of Mr. Richards' obligation to disclose this information or to comply with my ruling. Further, Mr. Richards was not self-represented when I issued the Abuse of Process Ruling, clearly setting out the possible implications of a repeated failure to comply with the Tribunal's directions.

[32] In any case, *when* Mr. Richards breached the implied undertaking rule and shared a copy or the contents of R-503 with a senator or any other individual is not relevant to my decision on this motion. He failed to disclose these breaches as he was directed to do and this failure constitutes a further abuse of process.

[33] CSC argues that because of the foregoing, the breach is far larger than it had ever envisioned. It has no way of knowing who has access to the information in the document and cannot know how many breaches of the implied undertaking rule occurred. It submits that it is therefore illusory to believe that the breach of the implied undertaking rule can be sealed. Mr. Richards refused to identify the individuals with whom he shared the materials and has not shared the order with them to try and remedy the breach.

[34] For all these reasons, I find Mr. Richards' conduct obstructive and abusive. He continues to demonstrate a flagrant disregard for the Tribunal's authority and its directions in this proceeding. Since the time of the Abuse of Process Ruling Mr. Richards' actions with respect to this issue perpetuate the prejudice I already recognised was caused by his breach of the implied undertaking rule (Implied Undertaking Ruling at para 31). As set out below, Mr. Richards' conduct harms the public interest in the administration of justice and now warrants the dismissal of these complaints.

Mr. Richards continues to collaterally challenge the Tribunal's rulings

[35] CSC submits that Mr. Richards continues to collaterally challenge my rulings by taking the position that they are moot. His cross-examination unquestionably confirmed the issue is not moot, and that his written statement was false. The extent of his breach of the implied undertaking rule and his disregard for the Tribunal's orders to remedy them are far broader than anticipated. Mr. Richards was evasive on cross-examination, refused to answer some questions, and was not forthcoming about what happened to the copies of R-503 that were shared.

[36] In response to this motion, Mr. Richards also argues that he already testified about the contents of the document R-503, in the public record, prior to CSC's first motion to dismiss the four complaints, and the Tribunal's Implied Undertaking Ruling. CSC submits that much of the information in R-503 is not in the public record, either through testimony or through another exhibit, and should have remained confidential in keeping with the implied undertaking rule.

[37] I agree that referring to elements of a document does not lift the implied undertaking rule or put a document in the public domain if it is not properly entered and admitted into evidence. Further, while Mr. Richards now appears to make this argument challenging the Tribunal's finding that he breached the implied undertaking rule, this is not the time to do so. This motion is about whether I should dismiss his complaints because of his continued abuse of the Tribunal's process and is not an opportunity to relitigate the Implied Undertaking Ruling.

Mr. Richards continues to make allegations of bias

[38] Neither Mr. Richards nor the Commission made any submissions on this issue in their response to CSC's motion to dismiss.

[39] Mr. Richards first suggested that I am biased on July 11, 2025 in response to CSC's first motion to dismiss (see Abuse of Process Ruling at para 85). On July 14, 2025, I directed that allegations of bias must be promptly addressed and that oblique references to bias would not be considered in the absence of a motion. I set a deadline of July 21, 2025, and advised that if Mr. Richards did not provide this notice 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. Mr. Karas responded that Mr. Richards did not wish to file a motion for reasonable apprehension of bias, "at this time, in this matter". I further held that 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.

[40] In the absence of any motion filed by the deadline I set, I proceeded with the complaints and considered that Mr. Richards waived his right to raise allegations of bias (Abuse of Process Ruling at paras 85- 91). Despite these directions, Mr. Richards and his legal representative have continued to make allegations of bias. Mr. Richards made another allegation through an email sent by his sister on September 25, 2025, and again during the hearing after I ruled on an objection on October 6, 2025. He later claimed that he was "merely making an observation" at the hearing, noting that I would have to observe the Code of Conduct for Tribunal members, and attaching a copy of a Federal Court decision in which the Court found the former Chairperson showed an apprehension of unconscious bias when he dismissed a discrimination complaint in 2023.

[41] Mr. Richards most recently made another allegation of bias during the hearing on October 21, 2025 when I directed him to refrain from making comments about the witness, or counsel or other parties, recalling that all participants in Tribunal proceedings must treat each other and the process with respect. He interjected to say that he is not being treated with respect, and that since I have been the presiding Member in this proceeding, no matter what happens, or what CSC does, I never rule in his favour and he is the one being

penalized. I recalled what the process was to pursue a motion alleging bias, and that there is other recourse he can pursue, but that further interventions of this nature would not be tolerated. I directed Mr. Richards to refrain from making these types of challenges to the integrity of the Tribunal and the Member.

[42] The Federal Court of Appeal has held that unfounded allegations of bias and the consequence for the administration of justice can expose the author to the dismissal of their claim (*Abi-Mansour v. Canada (Aboriginal Affairs*), 2014 FCA 272 at para 9-15) [*Abi-Mansour*]. AS CSC argues, such allegations "are extremely serious" and "[call] into question not simply the personal integrity of the [Chairperson], but the integrity of the entire administration of justice", relying on *Rodney Brass v. Papequash*, 2019 FCA 245 at para 17 [Brass], and *Chin v. Canada*, 2021 FCA 16 at para 8. In some cases, allegations of bias also constitute an abuse of process, and can expose a party to the dismissal of its proceedings, relying on *Brass* at para 17 and *Ignace v. Canada (Attorney General),* 2019 FCA 239 at para 17.

[43] I agree that repeated allegations of bias constitute another abuse of process by Mr. Richards. As the Court explained in *Abi-Mansour*, "[p]ersons who invoke the court's assistance in its capacity as an independent arbiter of disputes and who then repeatedly allege bias when the court's decisions do not meet their expectations are not using the judicial system in good faith. The Court is entitled to decline to lend its assistance to such litigants" (*Abi-Mansour* at para 14). Further, as the Federal Court of Appeal explained,

> The failure to challenge and denounce such allegations may be seen in certain circles as an implicit admission of their truth. This in turn encourages others to make them until they become common currency among those who have a limited perspective on the judicial system. The result is a loss of confidence in the judicial system in some quarters, an issue which must be taken seriously in a society committed to the rule of law (*Abi-Mansour* at para 12).

[44] Despite my order to file a motion or waive his right to raise the issue, Mr. Richards has continued to make such statements, either himself or through his representative. I agree with CSC's submissions that this conduct impacts the administration of justice and is not suited to a serene hearing before the Tribunal.

(iii) If so, should the Tribunal dismiss Mr. Richards' complaints as an abuse of process?

[45] Yes. Dismissing the complaints is warranted. Mr. Richards has been on notice that any continued abusive conduct could result in his complaints being dismissed. I set specific orders to remedy the breach of the implied undertaking rule in my previous rulings which Mr. Richards disregarded. The Tribunal can be flexible and informal to allow all litigants, including self-represented ones, to be able to fairly participate in its proceedings and to enhance access to justice. But this flexibility does not mean that litigants can choose to ignore Tribunal directions as they see fit. The Tribunal must preserve the integrity of its decision-making process and has a duty to all parties who appear before it to ensure its process is fair.

It is not in the interests of justice to continue with the proceeding

[46] There is generally a public interest in having a case heard on the merits. However, there are limits to this principle, one of which is abuse of process (*Constantinescu v. Correctional Service Canada*, 2022 CHRT 13 at par 111).

[47] Mr. Richards argues that the circumstances do not justify the extraordinary remedy of dismissal as there is no continued prejudice to CSC if the hearing continues. He further submits that dismissing the complaints would penalise him for not complying with the implied undertaking rule and would obfuscate the Tribunal's mandate by preventing him from presenting his case.

[48] CSC submits that allowing the matter to proceed would have a significant effect on the confidence of all parties that pre-hearing disclosure will remain confidential, in this case and others. It argues that the Tribunal should not encourage this practice, and that no other remedy short of dismissal will adequately address Mr. Richards' multiple abuses of process and his refusal to remedy the abuse of process.

[49] I agree. Allowing parties to proceed after they choose to ignore clear warnings about the consequences of abusive conduct and after they are given a chance – in this case, more than one – to remediate their behaviour, does harm to the public interest. Mr. Richards'

submissions in response to this motion do not reflect any accountability on his part or even an acknowledgement about his failure to respect the Tribunal's rulings. On the contrary, he argues that he complied in full and, as set out below, makes unfounded claims that CSC committed an abuse of process by filing this motion.

[50] Both Mr. Richards and the Commission made submissions highlighting the value of continuing in these proceedings. Mr. Richards' submissions focused on some of his allegations, presumably to highlight their importance to him and to the public interest. In additional submissions sent after his deadline and after CSC's reply submissions, Mr. Richards reiterates why he shared R-503, arguing that he was upset at the Tribunal's process and delays, and that he was desperate and wanted to get his story out. While he appears to recognize the underlying breaches of the implied undertaking rule, he does not acknowledge that he has refused to meaningfully work to rectify the abuses of process or provide any explanation for his obfuscation when he was given the chance to repair the breaches.

[51] In determining that dismissal is the only appropriate remedy, I have considered the resources that have already been spent in these proceedings and any possible residual value in proceeding. I have also weighed those factors against the resources that it will invariably take to complete the proceedings as well as the seriousness of Mr. Richards' ongoing disregard for the Tribunal's process and decisions. CSC started its evidence in October, but it has well over 20 witnesses that must still be heard. There are considerable resources left to expend, and in my view, it is not in the public interest to do so where a litigant has demonstrated a flagrant disregard for the Tribunal's authority and has continued to abuse its process, despite explicit direction to comply with its orders.

[52] Although it takes no position on the motion, the Commission writes that stays of proceedings are exceptional and are reserved for cases where continuing would clearly bring the administration of justice into dispute. It also states that a stay is far less likely to be granted where the allegations are serious or have significant public interest implications, relying on *Abrametz*, *Diaz-Rodriguez v British Columbia* (Police Complaint Commissioner), 2020 BCCA 221 at paras 71-3 and *Sazant v College of Physicians and Surgeons of Ontario*, 2012 ONCA 727. The Commission also argues that granting a stay of proceedings involves

balancing the public interest in maintaining a fair process free from abuse and the competing public interest in having the complaints decided on their merits.

[53] I agree that I must weigh those factors in determining whether to dismiss the complaints. However, I accept CSC's submissions that other solutions could have been justified earlier on had Mr. Richards not committed abuses of process further to his breach of the implied undertaking rule and had he been cooperative and transparent throughout this process in trying to remedy the breaches. Instead, Mr. Richards withheld information from the other parties and the Tribunal in contravention of its rulings and refused to remedy the breach or provide CSC with the information about the individuals who received the materials so that it could attempt to limit any prejudice.

[54] I also previously put Mr. Richards and the other parties on notice that the nature and scope of these complaints did not mean they would proceed at all costs. The importance of the individual and systemic allegations at issue does not outweigh the necessity to abide by Tribunal orders and to respect the integrity of adjudicative functions. I previously warned in the Abuse of Process Ruling that if Mr. Richards continued 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 – would be because of his own conduct (Abuse of Process Ruling at para 79, 81-84).

[55] In my view, it is no longer in the public interest to have the complaints decided on their merits and to continue with this hearing. Allowing the matter to continue sends a message to litigants who ignore orders and the rules that govern Tribunal proceedings that they can do so, with no meaningful consequence, so long as they can point to some potential value in hearing the rest of the case on its merits. At this stage and considering the multiple abuses of process and Mr. Richards' apparent refusal to remedy them, I do not accept that additional Tribunal resources that could be dedicated to other files should be consumed by continuing with this proceeding.

Flexible and informal does not mean participants can ignore Tribunal rules and directions

[56] Mr. Richards argues that he should not be unfairly constrained by "procedural rules" in a process that is meant to be less formal than a court. But as CSC submits, characterising

Mr. Richards' breach of the implied undertaking rule as a procedural issue is a misinterpretation of the Tribunal's flexibility which does not equate to a "carte blanche" for any party to do as they wish, regardless of the nature of their complaints.

[57] "'Administrative justice" will not always look like "judicial justice" (Canada (*Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 SCR 653 at para 92). But informal does not mean that Tribunal directions are mere suggestions that parties can choose to ignore or discount, as they see fit. While the Tribunal can and should be flexible in relation to the parties before it, recognising the challenges of many self-represented or under-represented litigants trying to navigate its process, this does not mean turning a blind eye to repeated abuses of process. Doing so would be unfair to the other parties and would do damage to the integrity of proceedings. As I already held, Mr. Richards' interests do not outweigh those of other parties. Wasteful, thrown-away costs hurt not only the other partes to this litigation, but they have an impact on other litigants and on the integrity and sustainability of the human rights system as a whole (Abuse of Process Warning at para 83).

[58] I am not dismissing these proceedings lightly, or because of one error or minor breach of the implied undertaking rule. I am allowing the motion because of Mr. Richards' cumulative disregard for the Tribunal's rules, authority and directions and his refusal to remediate his abuses of process despite repeated opportunities to do so. This is not a technical application of our rules and does not amount to holding Mr. Richards to an overly high standard. It is a question of the Tribunal requiring parties to comply with the minimum requirements to participate in its proceedings, recognising that regardless of the potential public interest in a merits hearing, there are limits.

[59] The Human Rights Tribunal of Ontario has commented on the obligation that parties bear when they choose to file a human rights application or complaint which engages public resources. In *Ouwroulis v. New Locomotion*, 2009 HRTO 335 (CanLII) at paras 4-7 [*Ouwroulis*], the Tribunal held as follows:

> The opportunity for an individual to make a claim of discrimination to a publicly funded adjudicative body, which has extensive procedural and remedial powers, comes with the obligation to respect the seriousness and significance of the process, and comply with the Tribunal's Rules. The Tribunal's procedures are less formal than a court's and aim to enhance

> access, including for those parties who may be self-represented. But this informality should not be interpreted to mean that parties may take a casual attitude towards complying with Tribunal directions. There may be circumstances which justify a party's failure to comply with a Tribunal rule or direction. However, an applicant who does not respond to Tribunal directions risks having the application dismissed.

[60] Mr. Richards argues that he will suffer irreparable psychological harm if I dismiss his case. However, the prejudice Mr. Richards argues he will suffer by not having his case heard is due to his own decisions and actions. I previously warned Mr. Richards that further abusive conduct would not be tolerated and that his right to a proceeding was not absolute (see Abuse of Process Ruling at paras 74 and 79). While I did not find dismissal at that stage to be warranted or proportionate, I explained that further non-compliance could change that balance (Abuse of Process Ruling 2025 CHRT 83 at para 74-78, 84 and 97).

[61] As I have held before in this case, it is the Tribunal's task to ensure that proceedings are conducted in a fair, informal, and expeditious way in keeping with s. 48.9 of the Act. Achieving this goal also depends on the parties (2023 CHRT 51 at para 27). In his late submissions, Mr. Richards mentions his frustration at delays in the process. But parties to proceedings are not simply innocent passengers being carried along the road to the end of their hearing, with no control over the outcome or the time and path taken to get there. They have responsibilities and must respect the process and comply with the Tribunal's Rules and directions for their proceedings to advance. Mr. Richards' actions have resulted in the parties and the Tribunal having to divert resources and time away from the merits of his case to address three motions. All of this could have been avoided.

No alternative remedies are adequate to prevent further abuses of process

[62] Mr. Richards argues that dismissal of his complaints is an extreme measure for an abuse of process and could bring the administration of justice into disrepute. He says it is disproportionate to the harm caused by the breach, considering the serious nature of the individual and systemic allegations Mr. Richards has made and the asymmetry between the parties.

[63] Although it takes no position on the motion, in its responding materials the Commission mentions for the first time procedural remedies short of dismissal of these complaints, namely ordering remedial costs, restricting the use of R-503, and issuing additional procedural directions “to manage conduct and order compliance”.

[64] I do not find the alternatives proposed by the Commission adequately safeguard the proper administration of justice or address Mr. Richards’ ongoing disregard for the Tribunal’s decision-making authority at this stage. Mr. Richards has continued to abuse the process and ignored the warnings and opportunities I gave him to remediate the abuses. These may have been options earlier on, but they are not effective sanctions now. As set out above, proceeding with the hearing would send a message to litigants that Tribunal directions are aspirational statements, and that failure to respect the Tribunal’s authority does not come with any real consequence.

[65] In some situations, courts and Tribunals have dismissed proceedings due to a breach of the implied undertaking rule or a failure to follow Tribunal directions (*Ouwroulis*, *Oliveira v. Oliveira*, 2023 ONCA 520, *Nouraghighi v. Toronto Catholic District School Board*, 2009 HRTO 2085). While I did not find it warranted to dismiss these complaints after Mr. Richards breached the implied undertaking rule, or even after he first failed to fulfill the Tribunal’s orders to remedy the breaches, my assessment has since changed given his repeated abuses of process.

[66] In light of the limited options available to the Tribunal, I do not find that the prejudice to the process and to CSC will be redressed by giving Mr. Richards yet another chance to properly comply with my orders. I do not have any reason to believe that he will begin to fulfill the Tribunal’s orders to rectify the breach of the implied undertaking. Mr. Richards still fails to take responsibility for his conduct. He maintains that he had the right to give R-503 to a senator and was not forthcoming or transparent in his answers about whether or how copies of the materials he improperly disclosed were destroyed. As a result of his failure to provide an accurate and complete list of individuals to whom he distributed R-503, it has not been possible to adequately limit the breach, and his conduct has perpetuated a disregard for the Tribunal’s rulings. It was in Mr. Richards’ interest to cooperate and respond transparently to allow the Tribunal to determine if he had fulfilled its orders.

[67] In support of its proposal of a remedial financial order, the Commission relies on the *Tipple v Canada (Attorney General)*, 2012 FCA 158, in which the Federal Court of Appeal found that a tribunal's inherent authority to control its own process includes the ability to require reimbursement of expenses resulting from abusive or obstructive conduct by a party. It also refers to the Tribunal's decision in *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 1 [*Caring Society*] in which the Tribunal observed that costs in response to abusive or obstructive conduct may be a practical remedy necessary to fulfill its mandate under ss.48.9(1) of the Act.

[68] CSC submits that costs might be appropriate if the breach of the implied undertaking rule could be sealed to compensate a party for the costs incurred to stop the breach. It says that it is doubtful Mr. Richards could pay costs given that he has been incarcerated for more than 20 years, and offsetting CSC's costs would only restore the parties to the condition they were in before CSC discovered the breach but would not correct it.

[69] Even if the parties persuaded me that I could award costs at this time against an incarcerated individual for the throwaway expenses they have incurred in dealing with these motions, I am not persuaded that a monetary penalty would remove or adequately address the prejudice to CSC or to the integrity of the Tribunal process and the public interest. Further, the circumstances of the Caring Society case were highly unusual, including the fact that order was a consent order (*Caring Society,* 2019 CHRT 1 at paras 22 and 31).

[70] I neither find the Commission's other proposal to restrict the use of R-503, to be an adequate remedy given the cumulative impact of Mr. Richards' abuses in this case. The proposal does not address the fact that the document and its contents have been disclosed to multiple, unidentified people. If neither party were able to use the document, this would limit CSC's ability to answer the claims against it. Only allowing CSC to rely on the document would still allow rest of the hearing to proceed and would not cure the prejudice to the proceeding.

[71] I accept CSC's submission that the Tribunal cannot be master of its own house if it cannot protect its own process from further abuse (*Canada (Human Rights Commission) v.*

Canada Post Corp (F.C.), 2004 FC 81 at para 15, aff'd *Canadian Human Rights Commission v. Canada Post Corp*., 2004 FCA 363). The Tribunal's Rules of Procedure provide for the possibility of making any order necessary against abuse of process, and in my view, we have reached the point where dismissal is the only option to prevent further abuses of process. The Tribunal its entitled to enforce its rules and to expect all parties to comply with its orders. This is not being unfair; it is a minimum requirement to participate in Tribunal proceedings.

VI. MR. RICHARDS' ALLEGATIONS OF ABUSE OF PROCESS

[72] In his response to CSC's motion to dismiss, Mr. Richards argues that CSC has abused the Tribunal's process by filing this motion and that it is engaging in a collateral attack of that ruling.

[73] There is no basis to these allegations. The Tribunal advised the parties that if Mr. Richards continued to disregard the Tribunal's orders, CSC could renew its motion, which it has done on the basis of Mr. Richards' evidence on cross-examination (Abuse of Process Ruling at para 97). Mr. Richards acknowledged that he had in fact engaged in other breaches of the implied undertaking rule that he had not disclosed, thereby admitting that his written statement was false. He did not send the Implied Undertaking Ruling to any of the other individuals with whom he shared the materials, and did not respond to questions about whether the copies he shared were destroyed.

VII. ORDER

[74] CSC's motion is allowed. The complaints are dismissed.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, ON
November 12, 2025

Canadian Human Rights Tribunal

Parties of Record

File Nos.: T2218, T2282, T2395, T2647

Style of Cause: Ryan Richards v Correctional Service Canada

Decision of the Tribunal Dated: November 12, 2025

Written Submissions:

Christopher Karas, for the Complainant

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

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