

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Citation: 2026 CHRT 2
Date: January 9, 2026
File No(s): T2526/8320

[ENGLISH TRANSLATION]

Between:

Cyrille Raoul Temate

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Public Health Agency of Canada

Respondent

Ruling

Member: John Hutchings

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I. OVERVIEW

[1] This is the third ruling in these proceedings. In *Temate v. Public Health Agency of Canada*, 2022 CHRT 31 [*Temate 2022*], Member Gaudreault (as he then was) defined the scope of the complaint. Subsequently, in *Temate v. Public Health Agency of Canada*, 2025 CHRT 1 [*Temate 2025*], I allowed a motion for disclosure brought by Mr. Cyrille Raoul Temate, the Complainant in this case, with respect to certain potentially relevant, non-privileged documents. After consulting with the parties, I then scheduled a hearing for April 2026 and set up a process for resolving the remaining procedural issues in this case.

[2] In August 2025, before the parties were able to make their representations on these issues, some computer difficulties arose. These difficulties deprived the Complainant of reliable access to his personal electronic accounts, including his email.

[3] Following exchanges between the parties regarding the origin of the difficulties, in particular the Complainant's allegation that the Public Health Agency of Canada, the Respondent, had carried out a cyberattack against him, the Respondent filed a motion for abuse of process to have the complaint dismissed. The motion is based both on the allegations surrounding the computer difficulties and on other allegedly abusive behaviour during the handling of the complaint. In particular, the Complainant allegedly did not tell the truth about the existence of a document potentially relevant to his complaint, specifically, a letter retracting his withdrawal from a staffing process. The Complainant had reportedly been telling the Respondent, the Canadian Human Rights Commission (the "Commission"), the Federal Court and the Tribunal that the letter existed since 2017. In 2025, however, he allegedly stated that it was fictitious, having been made up as part of a procedural test to expose the discrimination against him.

[4] The Complainant objects to the Respondent's motion, and the Commission takes no position on it.

II. DECISION

[5] I allow the Respondent's motion in part. The Complainant's concealment of a document subject to disclosure is serious misconduct and prejudices the administration of justice. I therefore find that this is an abuse of process on the part of the Complainant. However, I find that this abuse does not justify dismissing the complaint at this stage. That said, the Complainant must refrain from concealing any other evidence in future. He is also warned to refrain from any other action, including the filing of multiple pleadings that are not directly related the complaint, which might prejudice the administration of justice. The Complainant must focus on the issues that are key to deciding the complaint.

III. ISSUES

[6] I must decide the following issues:

- i. Was there an abuse of process?
- ii. If so, is a remedy necessary at this stage?

IV. ANALYSIS

1. The Complainant's concealment of a document subject to disclosure is an abuse of process.

[7] For eight years, the Complainant claimed a document existed, only to then say that it was fictitious.

[8] The complaint alleges a discriminatory refusal to hire the Complainant in staffing process 14-AHS-HISIA-NCR-108797. Following this refusal, the Respondent's senior management allegedly issued an order concerning the Complainant, directing everyone to stop communicating with him. To test the truth of this alleged prohibition, the Complainant applied for staffing process 16-AHS-HSI-IA-NCR-164360 ("Process 164360") before withdrawing his application a few days later, in August 2016. According to the Complainant, it was not a question of trying to win the competition, but rather of confirming the existence of the order.

[9] The Complainant states he did not receive a response until January 6, 2017, when the Respondent informed him that he did not meet the merit criteria for the position. The Respondent then realized that it had examined his application in error, despite its withdrawal. On January 9, 2017, the Respondent apologized for the error and acknowledged receipt of the withdrawal. The Complainant asked for an informal discussion of the reasons for his failure in Process 164360. However, the Respondent did not follow up on this request, arguing that since the application had been withdrawn, no informal discussion was necessary.

[10] The Complainant then alleged that he had retracted the withdrawal of his application for Process 164360. He claimed to have sent a retraction letter and to have kept a copy. But no informal discussions took place following the retraction.

[11] The Complainant had been telling the Respondent, the Commission, the Federal Court and the Tribunal that this letter existed since 2017, before declaring, in 2025, that it was fictitious. In his representations to the Commission's investigator, the Complainant referred to this retraction. Following an initial Commission decision dismissing his complaint, he repeated this assertion in an affidavit filed with the Federal Court in support of his application for judicial review. After the complaint was referred to the Tribunal, and following the decision in *Temate 2022* expanding the scope of the complaint to include allegations relating to Process 164360, the Complainant filed an amended Statement of Particulars (SOP) containing those allegations. In the wake of my order in *Temate 2025* requiring the Respondent to disclose certain potentially relevant documents not subject to privilege, on February 14, 2025, the Respondent requested that the Complainant disclose the letter retracting his withdrawal from Process 164360.

[12] I encouraged the parties to have informal discussions to resolve any issues related to disclosure, including the request for the retraction letter. I should point out that the Complainant did not take the opportunity to reveal the fictitious nature of the document. During a conference call on April 30, 2025, I asked the parties for updates on how the disclosure was progressing. The Respondent confirmed that the document had still not been received. The Complainant said that he had no objection to disclosing the document.

[13] On May 8, 2025, the Complainant stated that the retraction letter had never been sent. Rather, it was [translation] “a fiction, made up as part of this procedural test deliberately initiated, as mentioned in [the] SOP”. On May 16, 2025, the Complainant stated that this fictitious retraction was part of a strategy aimed at demonstrating that the Respondent tried to isolate him. He was attempting to verify the existence of an order forbidding any communication with him.

[14] The Complainant’s response to the abuse of process motion does not explicitly address the issue of the fictitious retraction. The Complainant maintains that the motion is intended to [translation] “divert attention and [to] cover up compromising facts”.

[15] With respect, I cannot agree with this argument. I consider that the circumstances surrounding the fictitious retraction constitute serious misconduct on the part of the Complainant and prejudice the administration of justice, for the following reasons.

[16] The Complainant did not tell the truth about the supposed retraction. The parties have an obligation to disclose any documents that are potentially relevant to the dispute and are not privileged. This becomes impossible when the very existence of a document is concealed.

[17] The Complainant had several opportunities to clarify the facts before the Commission, the Federal Court and the Tribunal, but did not take them. I draw no conclusions as to the Complainant’s strategy for testing whether the alleged order truly existed. I understand that, for such a test to be effective, a certain opaqueness may be necessary, and I would note that the Complainant has always been clear that he was not seeking a position through Process 164360. However, filing a human rights complaint requires transparency. As soon as he filed his complaint, I would have expected all this to be cleared up. He could have disclosed the lack of a retraction to the Commission during the investigation, to the Federal Court in his affidavit, or to the Tribunal when preparing his amended SOP. He did not. Instead, he actively maintained the fiction.

[18] The Complainant’s concealment resulted in an inefficient use of resources. The other parties and the Tribunal took it for granted that the retraction was real. I tried to resolve the disclosure issue quickly by encouraging informal discussions between the parties. Knowing

now that this was a fictitious document, I would have expected the Complainant to disclose its fictitious nature as well as the full extent of his strategy for demonstrating the alleged discrimination. Although the Complainant mentioned the strategy in his SOP, he did not shed any light on the question of the fictitious retraction.

[19] This concealment by the Complainant is an abuse of process. The abuse of process doctrine engages the inherent power of the Tribunal to prevent the misuse of its procedure in a way that would “bring the administration of justice into disrepute” (*Constantinescu v. Correctional Service Canada*, 2022 CHRT 13 at para 15 [*Constantinescu*]; *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 at para 37). An abuse of process “may be established where: (1) the proceedings are oppressive or vexatious; and, (2) violate the fundamental principles of justice underlying the community’s sense of fair play and decency” (*R. v. Scott*, [1990] 3 S.C.R. 979 at 1007).

[20] The Complainant lied about a document subject to disclosure, resulting in disclosure motions and attempts at informal settlement for a document that did not in fact exist. Using the resources of the parties and the Tribunal to determine the status of a fictitious document runs contrary to the sound administration of justice. Such behaviour could sow uncertainty as to the Tribunal’s ability to deal with allegations of discrimination on the basis of genuine rather than fictitious evidence. I would have expected the Complainant to clear up any uncertainties during the complaint process before the Commission. In any case, in response to the motion for disclosure dated February 14, 2025, the Complainant should have revealed the truth about the fictitious nature of the document. His failure to do so is vexatious and clearly meets the criteria for abuse of process. He told a lie about the evidence, and this lie is an abuse of process.

[21] I note that the Respondent also relied on other grounds in support of its motion to dismiss the complaint for abuse of process. In particular, the Complainant allegedly accused the Respondent of committing a targeted cyberattack against him; called into question the integrity of the Respondent’s representatives; accused departments not parties to these proceedings of conspiring in the harassment and retaliation; and filed multiple preliminary motions to be dealt with before the hearing scheduled for April 2026. It must be noted that communications with the Complainant were difficult in the summer of 2025. I have no

evidence to suggest that anyone else is responsible for the difficulties encountered by the Complainant in this regard. That said, I cannot conclude that these actions, in themselves, cross the threshold of abuse of process. They do not bring the administration of justice into disrepute, are not oppressive or vexatious, and do not violate the fundamental principles of justice.

[22] I would like to stress that, while they do not allow me to conclude that there has been an abuse of process, the above-mentioned actions are, at best, peripheral to the case. They do not advance the investigation of the complaint and have a tenuous link with the issues to be examined in deciding the complaint. In this respect, I therefore find that they run counter to the principle of proportionality. For example, the facts surrounding the computer difficulties in this case, as well as any comments relating to lawyers' ethical obligations, are not relevant to the issues to be addressed at the hearing. I find that these facts and comments tend to distract from the fundamental issues at stake.

[23] I must conduct proceedings "as informally and expeditiously as the requirements of natural justice and the rules of procedure allow", as I am required to do under section 48.9 of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6. I urge the parties to focus on the real issues in preparation for the hearing. I would like to make it clear that filing multiple pleadings that are not relevant to resolving the complaint could constitute an abuse of process.

2. Although it is not appropriate to dismiss the complaint at this stage, the Complainant must refrain from any concealment of evidence, or any other action that might prejudice the administration of justice.

[24] Despite my finding of abuse of process, I am unable to conclude that the complaint should be dismissed at this stage. Dismissing a complaint is a measure of last resort. This can only be ordered in extreme cases "when the integrity of the justice system is harmed" and, even then, only if "the prejudice caused by the abuse in question will be manifested, perpetuated or aggravated through the conduct of the trial, or by its outcome" and "no other remedy is reasonably capable of removing that prejudice" (*Constantinescu*, at para 27; *R. v. O'Connor*, 1995 CanLII 51 (SCC) at para 75). I am unable to conclude that the

concealment of the fictitious retraction, as established to date, has the effect of irreparably tainting the fairness of the proceedings before the Tribunal. I therefore find that the Complainant could remedy any prejudice by acknowledging the nature of the abuse and refraining from any further concealment of evidence.

[25] Therefore, at this stage, there is no reason to dismiss the complaint for abuse of process. However, I would like to warn the Complainant that any further concealment could lead to a new finding of abuse of process, with consequences that could go as far as dismissal of the complaint. He must refrain from any other actions that might prejudice the administration of justice, and concentrate on the issues key to deciding the complaint.

V. ORDER

[26] For the reasons above, I allow the motion for abuse of process in part. I find that there has been an abuse of process. I order the Complainant to refrain from any concealment regarding disclosure and to focus on the issues key to deciding the complaint.

[27] I will convene a case management conference to resolve the remaining procedural issues and prepare for the complaint hearing.

Signed by

John Hutchings
Tribunal Member

Ottawa, Ontario
January 9, 2026

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T2526/8320

Style of Cause: Cyrille Raoul Temate v. Public Health Agency of Canada

Ruling of the Tribunal Dated: January 9, 2026

Motion dealt with in writing without appearance of parties

Written representations by:

Cyrille Raoul Temate, for himself

Luc Vaillancourt and Laurence Charron-Raymond, for the Respondent