

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2026 CHRT 1
Date: January 8, 2026
File No.: HR-DP-3026-24

Between:

Alden Chow

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

The Toronto-Dominion Bank

Respondent

Ruling

Member: Ashley Bressette-Martinez

I. OVERVIEW

[1] Alden Chow, the Complainant, filed this motion asking me to order the Respondent, the Toronto-Dominion Bank (TD), to make further disclosure following the ruling in *Chow v. The Toronto-Dominion Bank*, 2025 CHRT 64 (“Disclosure Ruling 1”). Mr. Chow wants TD to disclose all documents about its “administrative process” and its “internal investigation” (the “Investigation”) into his complaint. He is also seeking seven resources (the “Resources”) which are referenced in the “Introduction to Unconscious Bias: A Guide for Colleagues and People Managers” (the “Guide”). Mr. Chow says these documents are arguably relevant to his case. The Canadian Human Rights Commission (the CHRC) and Mr. Chow say that TD relies on the Resources in its Statement of Particulars (SOP) to show the steps it has taken to address bias. They argue that the Resources could assist the parties and the Tribunal with remedy, should one be ordered.

[2] TD says it has no further documents to produce about the Investigation or review as neither was ever conducted. It also argues that including the Guide as part of its disclosure does not imply that everything referenced in it was arguably relevant to this case. It says the request for the Resources is not proportional or relevant to this complaint.

II. DECISION

[3] The motion is dismissed. No additional disclosure about the Investigation is required because TD has no further documents to produce. The Resources listed in the Guide are not arguably relevant to the issue I must decide in this case, which is whether Mr. Chow experienced discrimination in his interactions with TD in January 2019.

III. ISSUES

[4] The issues in this motion are whether the Resources and Investigation documents sought by Mr. Chow are arguably relevant to this case and should be produced by TD.

IV. BACKGROUND

[5] Mr. Chow's complaint is about the denial of service and differential treatment in the delivery of a service under section 5 of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 (the CHRA). The alleged discrimination took place between January 17 and 30, 2019, when Mr. Chow had three interactions with employees at a TD branch. The first interaction took place on January 17, 2019, when he went to the counter at the branch to deposit a cheque and entered his Personal Identification Number (PIN). After he entered his PIN, the TD employee asked him to answer questions about his age, the number of accounts he had, and his date of birth. She allegedly asked those questions because he looked younger than the age listed in the TD system and wanted to verify his identity before providing access to the account. Mr. Chow did not answer the questions because there was another client beside him. The TD employee asked him to provide photo identification, which he did. Once his identity was confirmed, he made the deposit and left the branch.

[6] His second interaction with TD happened the same day. He went back to the branch to tell another employee what happened during his first interaction earlier that day. She allegedly said that she understood why he was asked additional questions to confirm his identity. She explained there had been instances of fraud and mentioned an example where someone used an access card and a PIN to impersonate a customer.

[7] A week later, on January 29, 2019, Mr. Chow sent a complaint by email to the branch manager about what happened on January 17, 2019. The branch manager replied to him on January 30, 2019, with what TD says was a comprehensive response and explanation. The manager explained that the employee at the counter was being cautious and that there were areas for "coaching opportunities." The email from the branch manager is the third interaction with TD that Mr. Chow alleges constitutes discrimination.

[8] TD did not hear back from Mr. Chow until he filed a complaint with the CHRC a year later, on January 17, 2020. The CHRC investigated this complaint for four years and referred it to the Tribunal in 2024. The parties filed their SOPs in the fall of 2024. Case management began, and shortly thereafter, Mr. Chow filed his first motion for disclosure. The Tribunal

issued Disclosure Ruling 1 on June 24, 2025. It required TD to provide some disclosure to Mr. Chow about the Investigation.

[9] Mr. Chow now says that TD has not complied with Disclosure Ruling 1 and has not provided all arguably relevant documents to him. He seeks two categories of documents. The first relates to further disclosure about the Investigation. The second request is for copies of seven different resources referenced in the Guide, as follows:

- 1) De-escalating Challenging Situations;
- 2) Understanding Microaggressions Tip Sheet;
- 3) Handling Accusations of Racism and Discrimination Tip Sheet;
- 4) Confront Bias at Work;
- 5) Diversity and Inclusion at TD;
- 6) Inclusion and Diversity Hub; and
- 7) Unconscious Bias Webinar.

[10] In this motion, Mr. Chow made arguments that TD did not seek a judicial review of the decision to refer his complaint to the Tribunal. He relies on a number of cases to support his argument (*Richards v. Correctional Service Canada*, 2020 CHRT 27; *Attaran v. Immigration, Refugees and Citizenship Canada*, 2025 CHRT 68; and *Miller v. International Longshoremen's Association, ILA Local 269*, 2022 CHRT 39). I would like to point out that those interim rulings dealt with issues of scope (systemic and temporal), expert witnesses, and whether to dismiss a complaint for mootness. These rulings are not relevant to the issue of disclosure, and I have not relied on them in deciding this motion.

V. ANALYSIS

A. The law

[11] Parties must have a full and ample opportunity to present their case and prepare for a hearing (see section 50(1) of the CHRA). Pre-hearing disclosure ensures a party knows the case they need to meet and the *Canadian Human Rights Tribunal Rules of Procedure*, 2021, SOR/2021-137 (the "Rules of Procedure") require the parties to disclose the documents in their possession that relate to the facts, issues, or remedies that are raised in the complaint (see Rules 18(1)(f), 19(1)(e), and 20(1)(e) of the Rules of Procedure). The

obligation to disclose relevant documents is ongoing throughout the proceeding (see Rule 24 of the Rules of Procedure).

[12] The Tribunal can order the production of documents that it deems to be “arguably relevant” (see *Kayreen Brickner v. Royal Canadian Mounted Police*, 2017 CHRT 28 at paras 4–10 [*Brickner*]). The threshold for relevance is not a particularly high standard and the requesting party has the onus of showing a rational connection between the documents they are seeking and the issues raised in the complaint (see *Turner v. Canada Border Services Agency*, 2018 CHRT 1 at para 31 [*Turner*]). A request for documents should be particularized and should not be speculative or a “fishing expedition” (see *Gagno v. Royal Canadian Mounted Police*, 2023 CHRT 10 at para 7 [*Gagno*], citing *Turner* at para 30). Consideration is also given to whether the disclosure is related to the main issue in dispute (see *Brickner* at para 8). This is determined by examining the parties’ SOPs (see *Syndicat des communications de Radio-Canada v. Canadian Broadcasting Corporation*, 2017 CHRT 5 at para 36 [*Syndicat*]; and *Casler v. Canadian National Railway*, 2017 CHRT 6 at para 9 [*Casler*]) and the substance of the original complaint (see *Casler* at para 7).

[13] A request for disclosure needs to be proportional to the case (see *Temate v. Public Health Agency of Canada*, 2022 CHRT 31 at paras 8–15 [*Temate*]). The Tribunal can deny ordering disclosure when its prejudicial effect on the proceeding would outweigh its likely probative value (see *Richards v. Correctional Service Canada*, 2025 CHRT 109 at para 6 [*Richards*]). Given the Tribunal’s duty to process complaints in a way that is as expeditious and informal as the rules of natural justice and the Rules of Procedure allow (see section 48.9(1) of the CHRA), the Tribunal can consider whether the disclosure would increase the cost, add to the complexity, or extend the duration of the proceeding, while ensuring that equitable and accessible participation is not compromised and that proportionality is maintained.

B. Are the documents Mr. Chow is seeking arguably relevant to this case?

[14] No. Mr. Chow did not establish that the documents he is seeking are arguably relevant to determining whether he experienced discrimination in the provision of a service under section 5 of the CHRA during his interactions with TD.

(i) No further disclosure about the Investigation is required

[15] Mr. Chow says that he is still seeking information about the Investigation. Mr. Chow continues to argue that TD has not disclosed all documents that it has about his complaint from employees who are “unnamed.” He wants “all documents pertaining to TD employees’ responses and communications, including TD employees’ and communications to each other” about his complaint. He says that he needs these documents because they will identify the employees that TD spoke with and will allow him to identify witnesses for the hearing.

[16] The CHRC made no submissions about this request.

[17] In Disclosure Ruling 1, Mr. Chow was successful with his first request for disclosure. I ordered TD to disclose the documents that it had from its employees about Mr. Chow’s complaint. During case management, and as part of this motion, TD stated that it never investigated Mr. Chow’s complaint, that it complied with Disclosure Ruling 1 by disclosing the one record it had dated June 10, 2020, and continues to comply with its disclosure obligations. It says no further records exist and maintains that it did not investigate because the complaint was addressed by the branch manager on January 30, 2019. TD did not hear from Mr. Chow again until he filed this complaint with the CHRC a year later.

[18] While the threshold for arguable relevance is not high, Mr. Chow’s request for further production about documents related to the Investigation is highly speculative (see *Brickner* at para 7). He presumes more records exist, and while I have no expectation that Mr. Chow would be able to itemize a list of documents that TD might have, this is the second time the Tribunal is being asked to deal with the same request. What Mr. Chow is seeking now amounts to a fishing expedition (see *Gagno* at para 7; and *Turner* at para 30). TD has said

it provided the arguably documents and has nothing further to produce. I cannot order the production of documents that do not exist (see *Brickner* at para 10). TD appears to have complied with its disclosure obligations and, in the absence of any evidence that suggests otherwise, I will not order the disclosure of any other documents about the Investigation.

(ii) The Resources are not arguably relevant

[19] Mr. Chow argues that the Resources “will enable [him] to prove that TD’s employees...discriminated against [him], as [he] will be able to use some of these ‘Resources’ to prove the conduct of TD’s employees were examples of TD’s examples of unconscious bias discrimination.” He also says that “some” of the Resources will allow him to prove that TD’s resources are “inadequate to address unconscious bias discrimination” which he says will shorten the length of the hearing.

[20] The CHRC says that Mr. Chow should have access to the documents that were in effect at the time of the alleged discrimination in January 2019 up to April 2023, when the Guide was introduced or updated by TD. It says that the Resources in question are relevant to Mr. Chow’s allegations of individual and systemic discrimination, along with the issue of remedy should discrimination be found in this case. It says that TD has referred to initiatives and training that it has in place to address human rights and diversity issues in its SOP, and based on this, the resources are arguably relevant.

[21] TD argues that the Resources are not relevant nor proportional to Mr. Chow’s complaint. It says that it produced the Guide as part of its disclosure but does not agree that everything and anything in it is arguably relevant. It relies on the rationale in Disclosure Ruling 1 which found that there was no reason to order the production of every document referenced in its Code of Conduct and Ethics (see Disclosure Ruling 1 at paras 65–66).

[22] I agree with TD that just because a resource is listed in the Guide, it does not automatically mean it is arguably relevant to the core issues that need to be decided or to any potential remedy should one be ordered. In this case, the Resources will in no way assist me in determining whether Mr. Chow experienced adverse differential treatment in the provision of services during his interactions with TD employees in January 2019. The

Resources, which are part of employee training, would be of little probative value to Mr. Chow's case because the adequacy and content of TD's employee training is not an issue in dispute in this case. For this reason, proportionality must be considered (see *Richards* at para 6, citing *Brickner* at para 5). Ordering their production could detract from what the Tribunal is tasked with deciding.

[23] The same rationale applies to the arguments about the Resources and their relevance to remedy. Simply stating that having the documents will help prove that the Resources are inadequate to address unconscious bias does not meet the threshold required to prove arguable relevance, nor does it show how the documents will assist the Tribunal in crafting a remedy should one be ordered. Mr. Chow set out his requested remedy from paragraphs 108 to 114 of his SOP. In addition to the monetary compensation he is seeking, he wants me to order the creation of anti-discrimination and human rights policies, mandatory annual unconscious bias training and anti-racism training for all TD employees. He is also seeking the "creation of anti-Chinese and anti-Asian specific racism training, and a racial equity audit that focuses on TD's products and services." In response to his remedy request, TD disclosed the Guide in accordance with its obligation to produce arguably relevant documents.

[24] The Guide has been disclosed, and I will not order TD to produce every resource referred to in that Guide because it could lead to an endless process and a longer hearing, delving into peripheral details about the Resources and diverting attention from the core issues that need to be decided. This request risks expanding the scope of this complaint in a manner that is not proportional and would cause prejudice by increasing the overall length of the proceeding and detracting from the main issue in dispute (see *Brickner* at para 8; and *Richards* at para 6). The Resources are not arguably relevant to the proceeding and do not need to be disclosed.

[25] The purpose of disclosure (and a complete SOP) is to ensure the parties know the case they need to meet, ensuring they have a full and ample opportunity to prepare their case for the hearing. Both parties will prepare for this case based on the disclosure they have exchanged and will continue to share (see Rule 24 of the Rules of Procedure). The Guide is part of that disclosure. As the CHRC pointed out in its submissions, if a document

is not disclosed, a party may be prevented from relying on it at the hearing (see Rule 37 of the Rules of Procedure). There should be no surprises at the hearing.

VI. SETTING REASONABLE LIMITS FOR MOTIONS

[26] The Tribunal set directions for the parties on this motion on October 29, 2025, and asked them to try to resolve the disclosure issue without the need for a motion to avoid any further delays in preparing this matter for a hearing. In the event that there was no resolution, Mr. Chow was to file his motion by November 21, 2025, and the Tribunal put a five-page limit on submissions based on the fact that this is the second motion for disclosure where at least one request was the same as in Disclosure Ruling 1.

[27] Mr. Chow requested an extension to the November 21 deadline, citing the need to consult counsel. The Tribunal provided him with an extension to the date he requested, which was December 1, 2025. The first time the Tribunal learned of Mr. Chow's concern about the page limit denying him a full and fair opportunity to present his case was when he filed his motion on December 1, 2025. Recognizing that Mr. Chow is a self-represented litigant, the Tribunal wrote to the parties in response to the concern he raised to explain that it can establish limits on word count or page length for submissions to promote efficiency and ensure that arguments remain focused. Neither the CHRC nor TD raised any concerns about the page limit, nor did they address his argument in the motion.

[28] Once Mr. Chow filed the motion, the Tribunal set deadlines on December 2, 2025, for the subsequent filings. Both the CHRC and TD filed their submissions on December 15, 2025. The next day, Mr. Chow requested an extension to file his reply. He also asked to have more pages added to his reply. His request was partially granted. He was given until December 24, 2025, to file his reply but the five-page limit remained in place given the nature of this motion. Once again, he wrote to the Tribunal asking that I reconsider the deadline to file his reply. His deadline to file was extended to December 31, 2025, based on his statement that he was waiting to obtain legal advice from a legal assistance service and did not know when it would call him back. However, given the nature of the motion and the submissions from the other parties, the five-page limit remained in place.

[29] In his motion, Mr. Chow cited no authorities that he was denied the right to present his arguments, and I do not agree that setting a page limit limited his ability to present his case. Section 50(1) of the CHRA says parties have a right to a “full and ample opportunity, in person or through counsel, to appear at the inquiry, present evidence and make representations.” This does not preclude the Tribunal from setting reasonable limits in a motion where at least one request for documents was addressed in a previous ruling.

[30] The purpose of setting limits is not to deny either party an opportunity to present their position or advance their arguments. Rather, it allows a party to plan and focus their submissions on the issue in dispute and is well within the Tribunal's authority as the master of its procedure (see *Prasad v. Canada (Minister of Employment and Immigration)*, [1989] 1 SCR 560). This also aligns with the Tribunal's duty under the CHRA to conduct proceedings fairly and efficiently (see section 48.9(1) of the CHRA). The disclosure dispute has been outstanding for nearly a year, and resolving it in a manner that is timely, fair, and proportionate to the allegations at hand is a critical step in preparing this five year-old complaint for the hearing.

VII. ORDER

[31] The motion is dismissed.

Signed by

Ashley Bressette-Martinez
Tribunal Member

Ottawa, Ontario
January 8, 2026

Canadian Human Rights Tribunal

Parties of Record

File No.: HR-DP-3026-24

Style of Cause: Alden Chow v. The Toronto-Dominion Bank

Ruling of the Tribunal Dated: January 8, 2026

Motion dealt with in writing without appearance of parties

Written representations by:

Alden Chow, Self-represented Complainant

Julie Hudson, for the Canadian Human Rights Commission

Nicholas Fitz, for the Respondent