Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

Citation: 2026 CHRT 7
Date: January 20, 2026
File Nos.: HR-DP-2999-24 & HR-DP-3025-24

Between:

Ryan Richards

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service Canada

Respondent

Ruling

Member: Jennifer Khurana

I. OVERVIEW

[1] Mr. Richards, the Complainant, is a federally sentenced inmate who is currently incarcerated at Warkworth Institution. He alleges that because of other human rights complaints he filed against the Correctional Service of Canada (CSC), the Respondent, they are retaliating against him contrary to section 14.1 of the *Canadian Human Rights Act*, RSC 1985, c H-6 (the 'Act'). I was the adjudicator who heard his earlier human rights complaints, which I dismissed (2025 CHRT 107 [the Dismissal Decision]).

[2] Mr. Richards filed a motion asking me to recuse myself from this proceeding. He also asks that I adjourn the case until the Federal Court has decided his application for judicial review of the Dismissal Decision or until he is released from custody. He says that because I found in CSC's favour in the Dismissal Decision, he will have to endure further retaliation while in custody.

[3] CSC opposes the motion. It argues Mr. Richards' request for recusal is unsubstantiated and that his allegations against the Tribunal, CSC and its counsel are frivolous, egregious and unacceptable and that all actors in the justice system should denounce them. It asks that I issue a warning to Mr. Richards that this behaviour will not be tolerated in the Tribunal process.

[4] The Canadian Human Rights Commission ("the Commission") sent a summary of legal principles but takes no position on Mr. Richards' motion or on CSC's request.

II. DECISION

[5] The motion is dismissed. Mr. Richards has not demonstrated that my actions or conduct in this complaint give rise to a reasonable apprehension of bias. He has not met the high bar to displace the presumption of impartiality. Baseless allegations against counsel and the participants to this proceeding will not be tolerated. Mr. Richards is on notice about the consequences of his failure to respect the process and to conduct himself in accordance with the minimum civility required to participate in a Tribunal proceeding. His request for an

adjournment pending the conclusion of the judicial review of the Dismissal Decision or his release from custody is also dismissed.

III. MR. RICHARDS' ADDITIONAL SUBMISSIONS, ACCESS TO INFORMATION REQUEST ABOUT MY APPOINTMENT AND CODE OF CONDUCT COMPLAINT

[6] Mr. Richards filed reply submissions that included significant new arguments not contained in his original motion as well as allegations about CSC and its counsel. CSC requested the opportunity to file a sur-reply given that Mr. Richards had split his arguments between his motion and the reply. I allowed the request and granted the same opportunity to the Commission, who did not submit anything.

[7] Because I did not immediately set a date for him to file a sur-sur-reply, Mr. Richards responded with a further allegation of bias, writing "it'd again suggest to the Complainant that the Chairperson is indeed biased and has prejudged his Motion for refusal [*sic*] and adjournment, and thus will improperly decide not to adjourn the matter and remain seized". Mr. Richards copied his email to a Canadian Senator.

[8] As he is the moving party, I gave Mr. Richards the opportunity to respond to anything new contained in the sur-reply but stated that I would not consider any additional arguments that were not limited to being responsive to the sur-reply.

[9] After I set a deadline for the sur-sur-reply, Mr. Richards' representative, Mr. Karas, wrote to confirm that Mr. Richards intended to file one. He attached, for the "Tribunal's record", a copy of an access to information and personal information (ATIP) request he filed to the Privy Council Office related to my appointment as Chairperson. Together with his sur-sur-reply, Mr. Richards also attached a copy of a Code of Conduct complaint he filed against me.

IV. LEGAL FRAMEWORK

[10] Public confidence in our legal system is rooted in the fundamental belief that those who adjudicate must always do so without bias or prejudice and must be perceived to do so (*Wewaykum Indian Band v. Canada*, [2003] 2 SCR 259 at para 57 [*Wewaykum*]).

[11] Allegations of bias are serious and challenge the integrity of the Tribunal and its members (*Brass v. Papequash*, 2019 FCA 245 at para 17 and *Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2025 FC 18 (CanLII) at para 57 [Attaran]).

[12] The test for a reasonable apprehension of bias is whether an informed person, viewing the matter realistically and practically—and having thought the matter through—would conclude that it is more likely than not that the Tribunal Member, whether consciously or unconsciously, would not decide fairly (*Committee for Justice & Liberty v. Canada (National Energy Board),* [1978] 1 SCR 369 at 394 [*Committee for Justice*] and *Attaran* at para 55).

[13] The party who files the motion has a high burden to establish a reasonable apprehension of bias to displace the presumption of impartiality of an adjudicative decision-maker (*Association des employeurs maritimes v. Syndicat des débardeurs, section local 375 (Syndicat canadien de la fonction publique)*, 2020 FCA 29 (CanLII) at para 5).

[14] To overcome this presumption, a party challenging a judge's impartiality must present cogent evidence in support of the allegation of bias or apprehension of bias (*R. v. Montoya*, 2015 ONCA 786 at para 9). Complaining about an adjudicator is not a sufficient basis for recusal – otherwise, all unhappy litigants could ensure the replacement of a decision-maker who had found against them by complaining about them (*Broda v. Broda*, 2000 ABQB 948 at para 3 [*Broda*]).

[15] There must be a real likelihood of bias and mere suspicion, conjecture, insinuations or a party's impressions are insufficient. Disagreement with a decision-maker's decision alone is incapable of supporting allegations of bias (*Persaud v. Canada (A.G.)*, 2023 FC 811 at para 58 and *Blank v. Canada (Justice)*, 2017 FCA 234 at para 5 [*Blank*]).

[16] The inquiry is inherently contextual and fact-specific and a motion for recusal must be considered in the context of the circumstances, and in light of the whole proceeding (*Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General)*, [2015] 2 SCR 282 at paras 25-26).

[17] The mere fact that an adjudicator has heard another matter in the same or a related proceeding involving the same party or witness does not, in and of itself, displace the presumption of judicial impartiality, including where the decision-maker decided against that party (*Pereira v. Dexterra Group Inc*., 2023 BCCA 201 at paras 14 and 19). An apprehension of lack of success does not equate to a reasonable apprehension of bias. There may be many instances, particularly in a case management context where a decision-maker must issue numerous decisions against one party in the same proceeding and this is not cause for alleging an apprehension of bias (*Johnson v. Canadian Tennis Association*, 2022 FC 1759 at para 13 [*Johnson*], citing *Collins v. Canada*, 2011 FCA 171 at paras 10-11 and *Vanderidder v. Aviva Canada Inc.*, 2010 ONSC 6222 at paras 16-19).

[18] Although it is important that justice must be seen to be done, it is equally important that judicial officers discharge their duty to sit and do not, by acceding too readily to suggestions of appearance of bias, encourage parties to believe that by seeking the disqualification of a decision-maker, they will have their case tried by someone thought to be more likely to decide in their favour (*Johnson* at para 25).

V. ANALYSIS

Issue 1: Should I recuse myself for bias?

[19] No. Mr. Richards has not demonstrated that my actions give rise to a reasonable apprehension of bias. In my view, an informed person, viewing the matter realistically and practically, and having thought the matter through in its full context, would not find that it is more likely than not that I am unable, consciously or unconsciously, to decide the applicant's matters fairly.

[20] Mr. Richards takes issue with the fact that I did not recuse myself of my own volition in this matter following his repeated allegations of bias and given my previous rulings and the Dismissal Decision. He says that, as the Chairperson, I am held to a higher standard, recalling that the previous Chairperson was found to be biased by the Federal Court (*Attaran* at paras 73-4 and 137). Mr. Richards submits that I cannot adjudicate any of his complaints with the requisite impartiality because I have found against him in all my rulings.

[21] In his reply, Mr. Richards makes a number of additional arguments alleging bias based on previous decisions I made at this Tribunal and others and challenging my impartiality, among other things. Mr. Richards says I am biased in cases involving race, that I wrongly decided cases when I was a Vice-Chair at the Human Rights Tribunal of Ontario (HRTO), that I have a pattern of construing the evidence and the law "so that she effectively permits respondents to discriminate on CHRA, or Code-protected grounds". He also alleges that I have only ever ruled once in favour of a complainant for the full statutory amounts because the complainant in that case "shared the same characteristics as [the Chairperson], as the Complainant was also a woman, like herself". He asserts that he conducted a detailed review of all decisions I have written, that I have not ruled on any substantive human rights in any cases I decided, and largely dealt with only limited procedural issues. He further alleges that I misconstrued his breach of the implied undertaking rule to find a reason to dismiss his case, and held him and other inmates like him to a higher standard than their White, non-Muslim counterparts.

[22] Finally, Mr. Richards makes several other allegations, including that I agree with a "xenophobic and racist newsletter" and that I must have had an interest in his case because I replaced Member Lustig as the hearing adjudicator though he "was still seized". He also alleges that I met with CSC counsel on an *ex parte* basis in his other proceeding, which I will address below in determining CSC's request.

[23] CSC submits that Mr. Richards' motion largely challenges the Dismissal Decision and other rulings, and does not make any allegation of bias arising from the current case.

[24] I agree. Mr. Richards has not presented cogent, objective evidence of conduct or reasoning that would displace the strong presumption of adjudicative impartiality. Rather,

what Mr. Richards characterises as bias is the fact that I ruled against him or made findings he disagrees with in this and other proceedings, including at other tribunals. That is not a valid basis on which to make a very serious claim of a reasonable apprehension of bias and I decline to recuse myself on that basis. Mr. Richards is free to pursue other avenues to challenge my decisions, but this motion is not the proper forum. A recusal motion is not an opportunity to relitigate the issues the Tribunal previously decided.

[25] Further, as CSC submits, the Federal Court of Appeal has held that the mere fact that a decision-maker rules against a litigant or that a litigant is unsatisfied with the outcome of his case is not a ground for recusal in other litigation (*Blank* at para 5; see also *L.A. c. Bourgeois*, 2022 QCCA 1613 at para 16). In *Collins v. Canada (Attorney General)*, 2024 FCA 5 at para 19, the Federal Court of Appeal held that "[o]ne or more previous rulings by a judge against a litigant—indeed, the overall win-loss record of a litigant before a judge—cannot, by themselves, demonstrate apparent or apprehended bias. A reasonable, fully informed person appreciates that a judge may rule against a party on a number of occasions. And that person also appreciates that a losing streak may be justified by the facts and the law of the individual cases".

[26] CSC argues that while parties are entitled to raise allegations of reasonable apprehension of bias, this does not give a party *carte blanche* to make allegations attacking the integrity of a decision-maker or another party without any factual foundation. It submits that the suggestion that I was ill-intentioned in rendering my decision and held Mr. Richards to a higher standard is troubling and outrageous. It says Mr. Richards' attacks are frivolous, offensive and egregious, and represent a further, improper attempt to undermine my authority and competence.

[27] CSC similarly condemns Mr. Richards' allegation that it does not consent to my recusal "as she's ruled repeatedly in their favour". It submits that this is not a valid ground for recusal, and that read together with the grave and unfounded bias allegations, it also suggests that CSC is knowingly and purposefully taking advantage of a situation of bias, thereby further impugning my integrity by alleging I am prejudging future decisions. CSC submits that such allegations should not be treated lightly as they can gradually erode the confidence of the public in the judicial system, an issue which must be taken seriously in a

society committed to the rule of law, relying on *Abi-Mansour v. Canada (Aboriginal Affairs)*, 2014 FCA 272 at para 12.

[28] Mr. Richards' additional allegations in his reply submissions about me, CSC and their counsel are without foundation. As I will address further below in responding to CSC's request that I make an order under Rule 10 of the Canadian Human Rights Tribunal Rules of Procedure, 2021, SOR/2021-137 ("Rules"), Mr. Richards' claims that I met on an *ex parte* basis with CSC counsel in his other proceeding are false.

[29] Mr. Richards included as an attachment to his reply screenshots of my LinkedIn account and says that I subscribe to a newsletter written by an individual he says was a Member of the Ontario Social Benefits Tribunal. According to Mr. Richards, this individual has published newsletters that he characterises as xenophobic and racist. He alleges that because I have not unsubscribed from the newsletter, I must agree with the contents of the newsletter.

[30] I can assure the parties that I have not read the newsletters Mr. Richards refers to, and I do not intend to start. In fact, I had to google how to find the newsletter on my LinkedIn profile and have no recollection of even knowing or having met the individual who is the author of the newsletter. If Mr. Richards says he is a Member of the Social Benefits Tribunal, I can only assume I linked with him because I was previously a Member of that Tribunal as well. I do not even recall subscribing to a newsletter and have no knowledge of its contents. In any event, subscribing to or reading a text does not constitute agreement with it.

[31] With respect to the allegation that I took his case away from Member Lustig because I must have had an interest in it, as the parties know, Member Lustig made the decision to resign from the adjudication of Mr. Richards' cases after several years of case management. I addressed this in the first case management conference call (CMCC) I held with the parties and in subsequent rulings (2023 CHRT 51 at para 5 and 2025 CHRT 83 at para 30).

[32] Finally, while Mr. Richards argues I should have held myself to "a higher standard" and recused myself of my own volition, rather than requiring him to file a motion, I would not be doing my job if I simply walked away because a party was unhappy with me or the decisions I made in their file. While decision-makers have an obligation to recuse

themselves if there is actual or apparent bias, that does not mean they are permitted to "yield to every angry objection that is voiced about the conduct of litigation. We hear so much angry objection these days that we must be careful to ensure that important rights are not sacrificed merely to satisfy the anxiety of those who seek to have their own way at any cost or price" (*Broda* at para 23, citing *GWL Properties Ltd v. WR Grace & Co of Canada Ltd,* 1992 CanLII 934 (BCCA); *Hardy Estate v. Canada (Attorney General)*, 2013 FC 728 at para 64 [*Hardy*]).

[33] As the Federal Court has cautioned, it is vitally important that the adjudicator who faces an allegation of reasonable apprehension of bias or actual bias not yield to temptation and "take the easy way out" (*Hardy at* para 64).

[34] I will continue to make my decisions on the basis of evidence and submissions before me.

Issue 2: Should I adjourn these proceedings pending the Federal Court's decision on an application for judicial review of the Dismissal Decision or his release from custody?

[35] No. Mr. Richards has not provided any basis for his claims that he will have to endure retaliation by CSC if the proceeding is not adjourned. He has not established that exceptional circumstances warrant an indefinite adjournment of this proceeding pending judicial review of the Dismissal Decision. To the extent that Mr. Richards bases his adjournment request on his bias allegations, I have already dismissed them and decline to recuse myself.

[36] Mr. Richards wants me to adjourn this proceeding until the Federal Court has judicially reviewed the Dismissal Decision because he says I may make determinations that may later have to be revisited, modified or set aside, as they may run counter to the Federal Court's determinations and frustrate the complaints process. He also asks for this proceeding to be adjourned until he is released from custody, arguing that CSC has been emboldened by the Dismissal Decision and that it will retaliate against him.

[37] CSC argues there is no basis to adjourn the current proceedings pending a Federal Court decision on an application for judicial review of the Dismissal Decision. It says that judicial review relates to separate complaints that do not have an impact on this proceeding. Further, to the extent that Mr. Richards bases his adjournment request on his bias allegations, CSC says these are unfounded and do not warrant the adjournment of the retaliation proceeding.

[38] CSC also denies Mr. Richards' claim that he will be subject to retaliation from CSC based on the Dismissal Decision as entirely speculative. Further, it argues that adjourning the hearing for an indeterminate period is not an effective use of resources and time after the parties and the Tribunal have invested considerable time and effort addressing pre-hearing issues and are scheduled to start the hearing in this matter in February.

[39] Tribunal proceedings should be conducted as expeditiously as the requirements of natural justice allow (s. 48.9(1) of the *Act* and Rule 5 the Rules. It is only in the most exceptional cases that the hearing of a complaint should be suspended (*Bailie et al. v. Air Canada and Air Canada Pilots Association*, 2012 CHRT 6 at para 22). Adjournments can be granted if it is in the interests of justice to do so. This will depend on the circumstances of each case, including the principles of natural justice, the existence of a serious issue, the balance of convenience between the parties, and the public interest in the timely hearing of human rights complaints (*Hughes* v. *Transport Canada*, 2020 CHRT 21 at para 26 [*Hughes*]).

[40] Mr. Richards relies on the Tribunal's decisions in *Choudhary v. Scott and Kinistin Saulteaux Nation*, 2022 CHRT 28 [*Choudhary*], in which the Tribunal stayed its proceedings pending the Federal Court's decision on an application for judicial review. He also relies on *Bailie v. Air Canada and Air Canada Pilots Association*, 2012 CHRT 6 [*Bailie*] and *Hughes v. Transport Canada*, 2020 CHRT 21 at para 20 [*Hughes*], in which the Tribunal also agreed to stay its proceedings.

[41] These cases do not assist Mr. Richards and are entirely distinguishable on the facts. In *Choudhary*, the Tribunal found that it was in the interests of justice to suspend the Tribunal's proceedings pending a judicial review because there were two respondents and

the Tribunal inquiry could have been severed depending on the outcome of the Federal Court proceeding. The Tribunal allowed the stay request because the Federal Court's decision on the Commission's joining of the complaints could have had a major impact on the Tribunal's inquiry, the proceedings and their conduct, which would affect the very foundations of the proceedings (*Choudhary* at paras 63-64). In *Bailie*, the Tribunal found that it was in the public interest to suspend proceedings while a case with substantially similar issues ran its course through the judicial system. In *Hughes*, the Tribunal allowed the adjournment as it found there were exceptional circumstances that warranted a finite delay pending a Federal Court of Appeal decision that could provide certainty on what would be required to finally resolve the complaint.

[42] None of these exceptional circumstances are present here. Mr. Richards has not demonstrated how it is in the interests of justice to adjourn this proceeding either until the end of the judicial review of the Dismissal Decision or later. Further, while the Commission referred the retaliation complaints in 2024, the first allegation occurred nearly 6 years ago, in April 2020. An adjournment pending judicial review and appeals or Mr. Richards' release from custody does not favour the Tribunal's obligations under s.48.9(1) of the Act and its responsibility to conduct proceedings fairly and expeditiously. It would prejudice the other parties and is not in the public interest.

Issue 3: Should I grant CSC's request for an order under Rule 10 against vexatious conduct or an abuse of process?

[43] Yes. Mr. Richards' allegations about CSC, its counsel and the Tribunal are entirely unfounded. Such spurious allegations have no place in these proceedings and must stop.

[44] In its sur-reply, CSC submits that Mr. Richards has made egregious, offensive and unbounded attacks on me that go beyond allegations of apprehension of bias, and has made unsupported allegations against CSC and CSC's counsel. CSC asks that I issue a warning to Mr. Richards that this behaviour will not be tolerated, relying on Rule 10 of the Tribunal's Rules, *Richards v. Correctional Service Canada*, 2025 CHRT 61 at para 15 [*Richards*] and *Constantinescu v. Correctional Service Canada*, 2019 CHRT 49 at paras

157-161 [*Constantinescu*]). Mr. Richards had the opportunity to respond to this request in his sur-sur-reply but did not do so.

[45] There is a minimum degree of civility required in a judicial process (*Constantinescu* para 155). Rule 10 permits the Tribunal to make any order that it considers necessary against vexatious conduct or abuse of process (Rule 10 of the Rules; *Richards* at paras 15-16). Indicia of vexatious behaviour include the initiation of frivolous actions or motions, the making of unsubstantiated allegations of impropriety against the opposite party, legal counsel or the Court, the refusal or failure to abide by rules or orders of the Court, the use of scandalous language in pleadings or before the Court, and disrespectful and disruptive behaviour before the Court (*Wilson v. Canada (Revenue Agency),* 2006 FC 1535 at para 31; *Constantinescu* at para 136).

[46] I agree that Mr. Richards' conduct falls well below the standard expected of all parties in Tribunal proceedings. All participants have an obligation to treat each other, the Tribunal and the process with courtesy and respect. Making baseless, spurious claims against opposing counsel and the respondent will not be tolerated.

[47] For example, in referring to rulings I made at this Tribunal in other matters in which I dismissed complaints as abandoned, Mr. Richards implies that CSC has prevented other complainants from participating in their cases (*Towedo v. Correctional Service Canada*, 2024 CHRT 6, *Sewap v. Correctional Service Canada*, 2024 CHRT 97, *Pete v. Correctional Service Canada*, 2023 CHRT 35, and *Halcrow and Awasis v. Correctional Service Canada*, 2024 CHRT 114). He says that complainants typically do not abandon complaints without reason and states that "CSC is known to retaliate or prevent Complainants from engaging in the Tribunal's process". Beyond the fact that Mr. Richards has not supported these claims with any evidence, his characterisation of the complainants in those cases is inaccurate, as they were either no longer in custody of CSC or decided not to participate in their case.

[48] As set out above, Mr. Richards also alleges that I met with CSC counsel *ex parte* during the hearing of his previous cases, because he could see a list of breakout rooms the Registry Officer created for the parties' and the Tribunal's use. Because one was labelled "Chairperson", he alleges that I met with CSC counsel. CSC vehemently denies the

allegations. I can confirm that I have never met with CSC counsel *ex parte* in this hearing or in any other. Mr. Richards' claims are false and baseless.

[49] Finally, while all parties are free to file motions, making unsubstantiated claims about the other participants to proceedings diverts attention away from the merits of the case. This is not an effective use of Tribunal, or taxpayer resources. Tolerating and permitting such behaviour brings the administration of justice into disrepute. Should this conduct continue, I will exercise my discretion under Rule 10 to prevent an abuse of process.

[50] I am issuing a warning and Mr. Richards is on notice that a failure to refrain from making inflammatory and derogatory allegations about opposing counsel or any other participant, including the Tribunal, may result in a finding of abuse of process, and in the dismissal of his complaint.

[51] The Tribunal will continue its work in this matter, provided the parties comply with the basic requirements of any legal proceeding – respect for each other, courtesy and respect for the Tribunal and its process. Further baseless allegations against opposing counsel or demonstrating a disregard for our process, however, will be not tolerated.

VI. NEXT STEPS

[52] The hearing in this matter is scheduled to begin on February 3, 2026. The parties have not all submitted their hearing documents, and there are other case management issues to address before the hearing starts.

[53] The Registry will canvass the parties for an urgent CMCC. They are expected to prepare for the hearing and I will revisit any outstanding case management issues with them during the call. It is their responsibility to comply with the Tribunal's Rules and to be prepared to proceed.

VII. ORDER

[54] Mr. Richards' recusal and adjournment requests are dismissed.

[55] CSC's request is allowed. Mr. Richards is on notice that a failure to refrain from making inflammatory and derogatory allegations about opposing counsel or any other participant, including the Tribunal, may result in a finding of abuse of process, and in the dismissal of his complaint.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, Ontario
January 20, 2026

Canadian Human Rights Tribunal

Parties of Record

File Nos.: HR-DP-2999-24 & HR-DP-3025-24

Style of Cause: Ryan Richards v. Correctional Service Canada

Ruling of the Tribunal Dated: January 20, 2026

Motion dealt with in writing without appearance of parties

Written representations by:

Christopher Karas, for the Complainant

Sasha Hart and Sameha Omer, Counsel for the Canadian Human Rights Commission

Jean-Simon Castonguay and Francis Legault-Mayrand, Counsel for the Respondent