

Canadian Human  
Rights Tribunal



Tribunal canadien  
des droits de la personne

**Citation:** 2026 CHRT 17

**Date:** March 9, 2026

**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**

**Ruling**

**Member:** Jennifer Khurana

## **I. BACKGROUND**

[1] The Tribunal dismissed these complaints on November 12, 2026 (see 2025 CHRT 107).

[2] During the hearing, Correctional Service Canada (CSC), the Respondent, sought a confidentiality order to seal exhibit R-523 that was admitted on October 21, 2025. I encouraged the parties to speak together and try to address this issue amongst themselves for the Tribunal's consideration. CSC says that it wrote to the parties on two different occasions with a proposal but did not receive a response.

[3] After I dismissed the proceeding based on abuse of process, CSC wrote to the Tribunal about R-523. It submitted its request to seal the exhibit remains a live issue, that I am not *functus* to determine the request, and that the sensitive information included in the unredacted version of the exhibit could put an inmate's security in jeopardy. It relied on evidence I heard on this point at the hearing in support of its request.

[4] Mr. Richards opposed the request, submitting that CSC must file a formal motion, that I had already dismissed these complaints, and that he filed a motion for recusal. He submitted that CSC's request should be determined by a new member after I recuse myself. The Commission did not object to either the confidentiality order or proceeding by way of redaction with respect to R-523, as an alternative to sealing.

## **II. DECISION**

[5] The request is allowed. The redacted version of exhibit R-523 provided by CSC will be placed on the official record. The original unredacted version of exhibit R-523 is designated confidential. It shall be sealed and shall not be disclosed to the public.

### III. ANALYSIS

[6] Proceedings before the Canadian Human Rights Tribunal are presumed to be open to the public. However, the Tribunal may take any measures and make any order necessary to ensure the confidentiality of the inquiry if it is satisfied that there is a serious possibility that the life, liberty or security of a person will be endangered (Section 52(1)(d) of the *Canadian Human Rights Act*, RSC 1985, c H-6 (the 'Act')). If the Tribunal considers it appropriate, it may take any measures and make any order that the member or panel considers necessary to ensure the confidentiality of a hearing held in respect of an application under subsection (1) ((ss 52(2) of the Act)).

[7] The confidentiality measure must be necessary to prevent the real and substantial risk to the identified interest because no reasonably alternative measures will prevent that risk (*Sherman Estate v. Donovan*, 2021 SCC 25 at para 38).

[8] CSC argues that I am not *functus*, and relies on *Chandler v. Alberta Association of Architects*, [1989] 2 SCR 848, para. 23 in support of its argument that the confidentiality issue was fairly raised during the proceedings and that it is necessary for me to address this issue to complete my statutory task. It argues that in the absence of a confidentiality order, an inmate's safety could be in jeopardy. Mr. Richards did not provide any authority for his position that I cannot deal with this request. He simply maintained that I cannot do so, given my dismissal of his complaints, the lack of a formal confidentiality motion by CSC, and the fact that he had filed a motion asking that I recuse myself from presiding over his second proceeding, a motion I subsequently dismissed (2026 CHRT 7).

[9] CSC does not need to file a formal motion for me to consider this request. I set a timeline for Mr. Richards and the Commission to submit responses to the request. The form of the request and responses is not material; what is material to the fairness of the process is ensuring that all parties have a reasonable opportunity to make submissions in respect of the request. They were all given that opportunity. The Tribunal should proceed informally and expeditiously as the requirements of natural justice and our rules of procedure allow (s.48.9(1)) of the Act and Rule 8 of the Tribunal's Rules of Procedure).

[10] While judges and decision-makers cannot return to or reconsider a final merits decision when they have decided a matter, a court still retains jurisdiction to control its record and is not precluded from addressing a matter concerning court openness merely because it is *functus officio* with respect to the merits of the underlying proceeding (*Canadian Broadcasting Corp. v. Manitoba*, 2021 SCC 33 at paras 32—40). The same principle can apply to the Tribunal given its analogous responsibility to supervise the official record and the similar risk of undermining the proper administration of justice if the *functus officio* doctrine were applied to prevent protective measures from being taken in appropriate cases.

[11] I am persuaded that there is a real and substantial risk to the safety of an inmate should the details of R-523 be disclosed and made public. Out of an abundance of caution for the inmate's safety and security, and in light of the evidence I heard about possible risks, I am ordering that the original unredacted version of exhibit R-523 and CSC's request, which includes details about the document, be designated confidential, sealed, and not be made available to the public. The redacted version included with CSC's request of December 2, 2025, will be placed on the official record.

#### **IV. ORDER**

[12] The Registry will place on the official record the redacted version of exhibit R-523 provided by CSC in its December 2, 2025 request. CSC's request, and the original unredacted version of the exhibit are confidential, sealed, and shall not be accessible to the public.

*Signed by*

Jennifer Khurana  
Tribunal Member

Ottawa, Ontario  
March 9, 2026

## **Canadian Human Rights Tribunal**

### **Parties of Record**

**File Nos.:** T2218/4017, T2282/3718, T2395/5419, T2647/2321

**Style of Cause:** Ryan Richards vs Correctional Service Canada

**Ruling of the Tribunal Dated:** March 9, 2026

**Motion dealt with in writing without appearance of parties**

**Written representations by:**

Christopher Karas, for the Complainant

Sameha Omer for the Canadian Human Rights Commission

Dominique Guimond, Sonia Bédard and Penelope Karavelas for the Respondent